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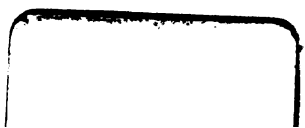
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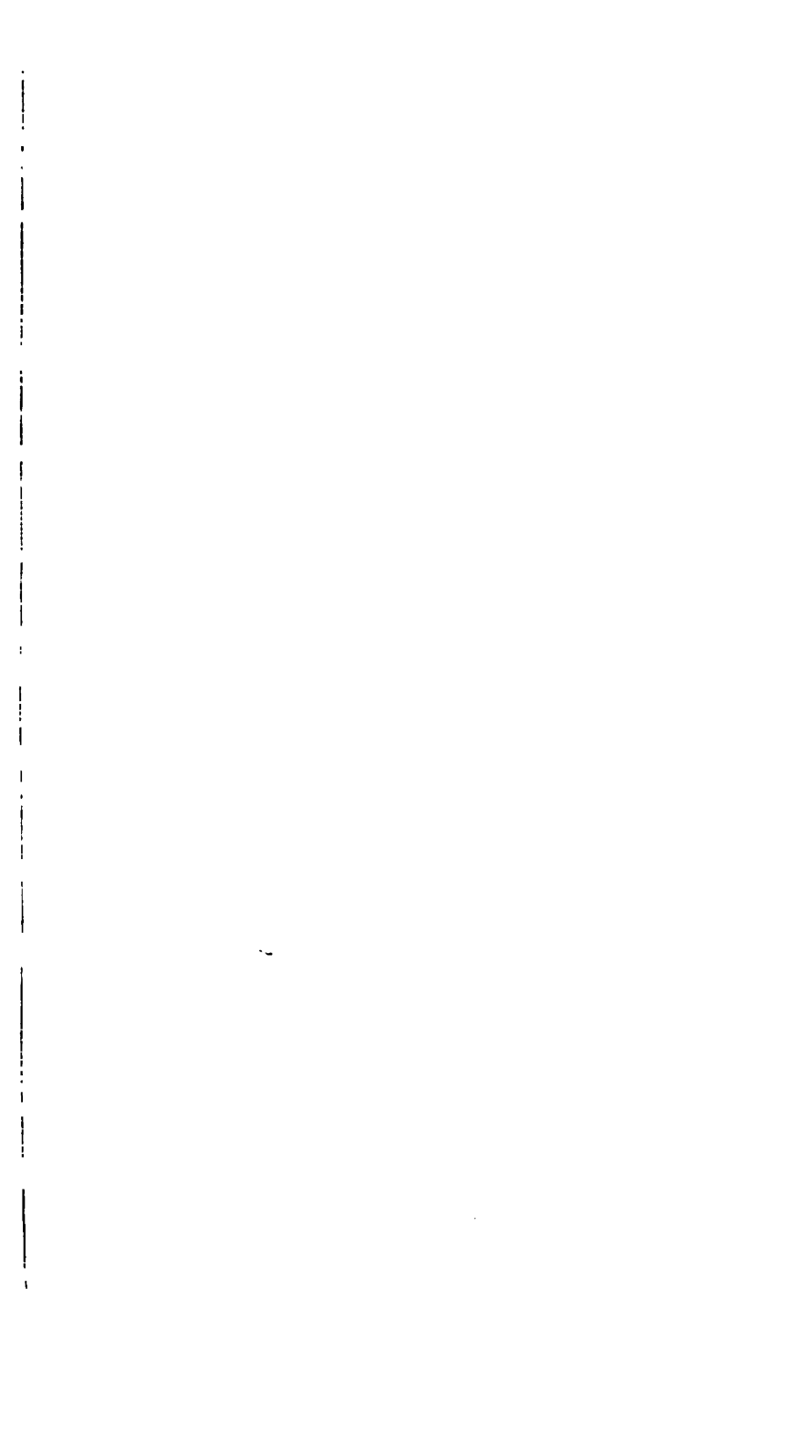
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# ACTS

OF THE

## STATE OF TENNESSEE,

PASSED BY THE FIRST SESSION OF

THE THIRTY-SIXTH GENERAL ASSEMBLY

FOR THE YEARS 1869-70.

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PUBLISHED BY AUTHORITY.

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1870.



PUBLIC ACTS  
OF  
THE GENERAL ASSEMBLY  
OF THE  
STATE OF TENNESSEE,

PASSED BY THE FIRST SESSION OF THE THIRTY-SIXTH GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE, ON MONDAY, THE FOURTH DAY OF OCTOBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

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CHAPTER I.

An Act to Repeal An Act passed the 17th day of February, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed the 17th day of February, 1868, to regulate the publication of legal notices, be and the same is hereby repealed; and that this Act take effect from and after its passage. Legal Notices.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed October 19, 1868.

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CHAPTER II.

An Act to Restore Justice to the Press of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed February 17,

**Legal Notices** 1868, entitled "An Act to regulate the publication of legal notices," be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed October 26, 1869.

### CHAPTER III.

AN ACT to Change the Mode of Appointing Receivers on Delinquent Railroads in this State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That where any railroad company in the State has failed or may hereafter fail to pay the interest upon bonds loaned by this State to such road under the provisions of law, and such fact shall be made known to the Governor by the Comptroller, the Governor shall at once notify the President of said railroad company to come forward and execute bond in the sum of one hundred thousand dollars, with a sufficient number of securities, to equal at least two, possessing property in the aggregate, liable to execution, equal in value to the penalty of the bond, payable to the State of Tennessee, and conditioned for the faithful discharge of his duty as Receiver of the State in the management of said road, and that he will receive the rents, issues and profits, and pay the same, after deducting the necessary repairs and running expenses of said road, into the Treasury of the State, who, upon executing said bond, shall, under the supervision of the directory of his road, be clothed with all the powers and be subject to all the liabilities now imposed by law upon Receivers for delinquent railroads in this State, and shall be, by virtue of the execution of said bond, Receiver of said railroad company, as heretofore provided by law; *provided*, he shall not be entitled to pay for the services imposed by this Act, other than his salary as President. Said bond shall be approved by the Judge of the Judicial Circuit in which the President or Receiver resides, and be filed in the office of the Comptroller.

**Fail're to pay interest on bonds.**

**To give bond.**

**Proviso.**

SEC. 2. *Be it enacted by the authority aforesaid,* If the President of any railroad company in this State, upon receiving notice as prescribed in the first section of this Act, fails or refuses to execute the bond required in said first section, then the Governor shall forthwith appoint a suitable person, at the expense of the company, as Receiver thereon, who, upon executing bond in the manner prescribed in the first section of this Act for President, shall be clothed with all the powers and be subject to all the liabilities now imposed by law upon Receivers of delinquent railroads in the State; and he shall be entitled to receive for his services as Receiver the same compensation which before that time had been paid to the President of said railroad company; provided the same shall not exceed three thousand dollars per annum.

Failure to execute bond.

SEC. 3. *Be it enacted by the authority aforesaid,* That every President or other person appointed Receiver under authority of this Act, shall make a report monthly to the Comptroller of the State, showing the amount of receipts and expenditures on said railroad for each month preceeding; and pay over to the Treasurer of the State, upon the Comptroller's warrant, at the time of said report, all money which may or should be in his hands, arising from said road, over and above the necessary repairs and expenses of operating and running said road.

Monthly report.

SEC. 4. *Be it enacted by the authority aforesaid,* That any President or other person appointed Receiver by authority of this Act, who fails or refuses to make reports or pay over money as hereinbefore provided, shall, upon such fact being made known to the Governor, be dismissed from his office; and suit shall be at once instituted in the proper court against him and his securities upon his bond, for a breach of the conditions of said bond; and if his refusal to pay over is willful, he shall be guilty of a high misdemeanor, and upon a conviction thereof in any court having jurisdiction he shall be fined not less than one hundred dollars, nor more than one thousand dollars, and may be imprisoned not more than six months at the discretion of the court.

Fail're to pay over moneys.

SEC. 5. *Be it enacted by the authority aforesaid,* That the Governor be, and he is hereby prohibited, from issuing the bonds of the State to any railroad company in the hands of a Receiver.

Governor.

SEC. 6. *Be it enacted by the authority aforesaid,* That all Receivers now appointed on railroads in this State, be removed, and said roads be placed in the hands of the persons as provided in this Act, and hat all laws coming

Receivers Removed.

in conflict with the provisions of this Act, be and the same are hereby repealed.

SEC. 7. *Be it enacted by the authority aforesaid, That this Act take effect from and after its passage.*

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed October 26, 1869.

## CHAPTER IV.

AN ACT to Repeal An Act Defining the Qualifications of Jurors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That An Act entitled "An Act to define the qualification of jurors of this State," passed November 26, 1866, be and the same is hereby repealed.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage.*

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed October 27, 1869.

## CHAPTER V.

AN ACT to Repeal so much of An Act passed March 12, 1868, as relates to the County of Madison.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That so much of An Act passed March 12, 1868, entitled "An Act to create a Board of*  
County Commissioners.



County Commissioners in the county of Madison," as relates to the said county of Madison, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS.

*Speaker of the Senate.*

Passed October 28, 1869.

## CHAPTER VI.

AN ACT to Repeal all Laws Establishing a Board of County Commissioners for the County of Davidson, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That chapter 58 of the Acts of Tennessee, passed March 11, 1868, entitled "An act to establish a Board of County Commissioners for the county of David- Davidson Co. son," be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That sections 20, 21, 22, 23 and 24 of An Act passed March 13, 1868, entitled "An act to comprise in one all the Acts and amendments to the McMinnville. charter of the town of McMinnville, and for other purposes," be and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That the Magistrates of Davidson County shall hereafter hold their Quarterly Davidson Co. Courts at the times and in the manner now prescribed by Quarterly Courts. law, before the passage of the Act and parts of Acts this is intended to repeal; *provided*, however, that they shall hold their first Quarterly Court, after the passage of this Act, on the first Monday in November, 1869.

SEC. 4. *Be it further enacted*, That all laws or parts of laws creating County Commissioners, or Boards of County Jackson, Putnam and Commissioners, for the counties of Jackson, Putnam and White Co's. White, be and they are hereby repealed.

SEC. 5. *Be it further enacted*, That section 3 of this Act Same. be applicable to the said counties of Jackson, Putnam and White.

SEC. 6. *Be it further enacted*, That all laws or parts of laws creating or establishing a County Commissioner, or

Hickman and a Board of County Commissioners, for the counties of Dickson. Hickman and Dickson, be and the same are hereby repealed.

Same. SEC. 7. *Be it further enacted*, That section 3 of this Act be applicable to the Magistrates of said counties of Hickman and Dickson.

Sumner and Dyer. SEC. 8. *Be it further enacted*, That all the sections of this Act shall apply to Sumner and Dyer Counties, but the office of County Judge for Sumner County is hereby retained.

Giles Co., etc. SEC. 9. *Be it further enacted*, That An Act passed the 25th of February, 1868, creating the office of County Judge for the County of Giles and others, be and the same is hereby repealed so far as the County of Giles is concerned.

Same. SEC. 10. *Be it further enacted*, That sections 11, 13 and 16 of An Act passed 30th January, 1869, creating a Board of County Commissioners for Giles County, be and the same is hereby repealed, so far as the County of Giles is concerned.

Same. SEC. 11. *Be it further enacted*, That a quarterly term of the County Court of Giles County, shall be held on the first Monday of November, 1869, and regularly thereafter as prescribed in the Code.

Shelby Co. SEC. 12. *Be it further enacted*, That the Board of Commissioners for Shelby County is hereby abolished, and the office of County Judge of said county is also hereby abolished, and the Quarterly and Quorum Courts of said county are hereby re-established, with all the rights, powers and privileges possessed by the Quarterly and Quorum Courts of such Counties as have no County Judges or Board of County Commissioners.

SEC. 13. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate*

Passed October 28, 1869,

## CHAPTER VII.

AN ACT to Abolish the office of County Judge, for Sullivan County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 16, 17, 18 and 19, of "An Act to create the office of County Judge for Lincoln County, and for other purposes," be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after the first Monday of January, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed November 1, 1869.

## CHAPTER VIII.

AN ACT to Abolish the office of County Judge, for Smith County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of An Act, entitled "An Act to create and regulate the office of County Judge, for the counties of Perry, Decatur, Cheatham and Lauderdale, and for other purposes," as creates the office of County Judge for the County of Smith, passed January 31, 1868, be and the same is hereby repealed, and the office of County Judge for the County of Smith, is hereby abolished.

SEC. 2. *Be it further enacted*, That so much of said Act as abolishes the Quorum Court in the County of Smith, *Quorum Co't* be and the same is hereby repealed; and the Quorum Court of said county, with all the rights and jurisdiction pertaining thereto, as they existed before the passage of the Act referred to in the first section of this Act, is hereby re-established; any provisions in the said Act to the contrary notwithstanding.

**Weakley Co.** SEC. 3. *Be it further enacted*, That all the laws creating the office of County Judge, in the County of Weakley, be and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That this Act shall take effect from the first day of January, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed November 1, 1869.

## CHAPTER IX.

AN ACT to Prevent loss to the State of Tennessee, by the Failure to Complete the Tax Assessor's Books, of Shelby County, for the year 1869, within the time prescribed by law.

**Books.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court Clerk of Shelby County, shall deliver the tax book or books of Shelby County, for the year 1869, to the Tax Collector of said County, on or before the first Monday in January, 1870.

**Duty of Tax Collector.** SEC. 2. *Be it further enacted*, That the Tax Collector of said County, upon receiving said tax book or books, from the County Court Clerk, shall, without delay, by advertisement, at four of the public places in each civil district of Shelby County, give twenty days' notice of the place and time when and where he will attend to receive taxes.

**Same.** SEC. 3. *Be it further enacted*, That the Tax Collector of said County, shall report real estate for condemnation for unpaid taxes, for the year 1869, to the May Term, 1870, of the Circuit Court of Shelby County, or at any term of the Court thereafter; whereupon proceedings shall be had, as required by sections 612 to 642, inclusive, of the Code.

SEC. 4. *Be it further enacted*, That section 17, of An Act, entitled "An Act to amend the Revenue Laws of the State," passed March 13th, 1868, be and the same is hereby repealed.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed December 16, 1869.

## CHAPTER X.

AN ACT to Repeal An Act Creating an Additional Number of Justices of the Peace and Notaries Public, for the County of Shelby and City of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1, of An Act passed March 9, 1867, chapter 46, entitled "An Act to create an additional number of Justices of the Peace and Notaries Public, for the City of Memphis, in the County of Shelby, and for other purposes," so far as creates an additional number of Justices of the Peace for the City of Memphis, in the County of Shelby, be and the same is hereby repealed, and the offices of the additional Justices of the Peace, elected or created by said Act, are hereby abolished. Justices, etc.

SEC. 2. *Be it further enacted*, That hereafter the number of Justices of the Peace and their civil districts, shall remain as they stood at the passage of the Act aforesaid. Same.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed November 5, 1869. •

## CHAPTER XI.

AN ACT to Repeal An Act Creating the Criminal Court established in the First Judicial District in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 5, 6, 7, 8, 9, 10, and 11, of An Act entitled "An Act to create a new Chancery Division and a new Judicial Circuit in the State of Tennessee, and for other purposes," passed 26th day of November, 1867, passed 25th day of February, 1868, be and the same are hereby repealed. Act of Nov. 25, 1867, etc.

SEC. 2. *Be it further enacted*, That the Circuit Court of the said District shall succeed to all the duties and powers

Circuit Courts of the said Criminal Court, and have the same jurisdiction in all criminal cases as that now possessed by the various Circuit Courts of the State, according to existing laws and all cases now pending, or that hereafter may be instituted in said Criminal Court in any of the counties of said Judicial Criminal District, be and the same are hereby transferred to the Circuit Court of said counties, respectively, for trial; and the County Court of said counties shall appoint jurors to the Circuit Court, as now provided by law.

Clerk's duty. SEC. 3. *Be it further enacted*, That, in order to complete the transfer of all cases now pending in said Criminal Court, to the Circuit Court, the Clerk of the same shall make out a State Docket of all the cases remaining in said Court and place the same upon the dockets of the Circuit Court of said counties as now required by law, and at the same time also file with the Clerks of the respective Circuit Courts of said counties, all of the original papers connected with the several causes now pending in said Courts or which have been heretofore decided by it to be filed as part of the record of said Circuit Courts and preserved as such.

Records. SEC. 4. *Be it further enacted*, That the records of said Criminal Court, shall constitute a part of the records of the said Circuit Court; and the Circuit Court shall have full power and authority, to enforce collections and execute the judgments of said Criminal Court in as full and ample a manner as the said Criminal Court had under the afore- Powers. said laws hereby repealed.

Duties of Criminal Co't Clerks. SEC. 5. *Be it further enacted*, That it shall be the duty of each of the Clerks of said Criminal Courts to attend at the Court-house, in their respective counties upon the day fixed for holding the first term of said Criminal Court after the passage of this Act, and open and hold Court for the first three days of said term, for the sole purpose of taking forfeitures against such defendants as may fail to appear as required by their recognizances or bonds, and for the purpose of taking new recognizances from the defendants who may appear; or, on their failure so to do, to commit the defendant or defendants so failing or refusing, to the custody of the Sheriff for safe keeping until discharged by due course of law. Said recognizances to be taken requiring the defendants to appear at the term of the Circuit Court of the respective counties next thereafter; the minutes of said proceedings to be signed by the respective Clerks, and to have the same force and effect as if signed by the Judge.

SEC. 6. *Be it further enacted*, That the Clerks of the

Circuit Court of the counties composing the first Judicial Criminal District of Tennessee, shall keep a separate docket of the causes, a record of the minutes of the proceedings of the Court, and an execution docket separate and apart from the civil docket; and that the Clerks of the Circuit Court shall purchase the necessary books when needed, and that the same shall be paid out of the County Treasury.

SEC. 7. *Be it further enacted*, That this Act take effect ten days after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 5, 1869.

## CHAPTER XII.

AN ACT to Abolish the Metropolitan Police System in the City of Nashville, as at present established.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 41, of An Act passed the 14th day of May, 1866, entitled "An Act to establish a Metropolitan Police District, and to provide for the government thereof," and which section established a Metropolitan Police Board for the City of Nashville, be and the same is hereby repealed, and the office held under the provisions of said bill, and all subsequent legislation amendatory thereof, so far as they relate to the City of Nashville, are hereby abolished and declared vacant.

SEC. 2. *Be it further enacted*, That the present Metropolitan Police Commissioner shall hand over to the Mayor and City Council of Nashville, all books, papers and public property of every character, heretofore belonging to his department, and also shall settle with the Finance Committee of said city, showing the receipts and disbursements made by him, and pay over to the City Treasurer any balance of funds in his hands.

Com'r to hand  
 over book and  
 property.

**RECORDER'S COURT.** SEC. 3. *Be it further enacted,* That the Recorder's Court of the city of Nashville is hereby re-established under the same rules, regulations, powers and privileges that existed prior, and up to the passage of said Act of May, 1866 ; that all perquisites arising in such court, shall be under the control and direction of the City Council.

**CITY COUNCIL.** SEC. 4. *Be it further enacted,* That the City Council of Nashville shall have the power and it is hereby made the duty of the same, at the first regular meeting of the Board of Common Council in December next, to meet in joint convention, and elect three Police Commissioners; one for one year, one for two years, and one for three years; and annually thereafter, at said first regular meeting in December, to elect to fill the vacancy caused by the expiration of the term for which the out-going member may have been elected, and each newly elected member shall serve for three years and until his successor shall be elected and qualified. Vacancies shall be filled when caused from resignation, death, or removal from office, by the City Council, for the unexpired term.

**TO ELECT COMMISSIONERS.**

**OATHS, ETC.** SEC. 5. *Be it further enacted,* That the Police Commissioners when elected shall take an oath faithfully to discharge the duties of their office, and may be removed from office by the City Council for misfeasance or malfeasance in office.

**ELIGIBILITY.** SEC. 6. *Be it further enacted,* That no person shall be eligible to the office of Police Commissioner unless he shall have been a resident citizen of Nashville for two whole years immediately preceding his election ; shall be twenty-one years of age, and shall have the other qualifications necessary for a member of the City Council, but shall not be the Mayor or a member of either Board.

**DUTIES.** SEC. 7. *Be it further enacted,* That the duties of said Police Commissioner shall be to select and appoint out of the sober, industrious, law-abiding citizens of the city of Nashville, to fill the various offices and positions of policemen of the city of Nashville, as established and regulated by the City Council, and certify their selections and appointments to the City Council ; also to hear and determine all complaints against any member of the police force for failure to properly discharge his duties, and remove the officer or party complained of, if need be, and fill vacancies in the police force as they may occur. All other questions and powers in regard to said police force are vested in the Mayor and City Council.



SEC. 8. *Be it further enacted*, That the Mayor and Police Committee of the City Council of Nashville, are hereby authorized to provide for the proper policing of the city from the time the present force is disbanded until the new force to be appointed under this Act, can be organized and placed upon duty. Mayor, etc.

SEC. 9. *Be it further enacted*, That the office of Police Commissioner aforesaid, being one of honor and trust, no compensation shall be allowed; and the new police force, hereby established, shall have all the powers of arrest, etc., that the old police under the Commissioner, has possessed, and shall be uniformed. Compensation

SEC. 10. *Be it further enacted*, That this Act shall take effect ten days from and after its passage; and all laws in conflict with its provisions are hereby repealed.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 5, 1869.

## CHAPTER XIII.

AN ACT to Establish a Chancery Court in the Town of Dunlap, in and for the County of Sequatchie.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Chancery Court be and the same is hereby established in the town of Dunlap, in and for the County of Sequatchie; and it is hereby made the duty of the Judge holding the Circuit Court of said county to hold said Chancery Court at the court-house in Dunlap, on the second Mondays in April, August and December in each year.

SEC. 2. *Be it further enacted*, That it shall be the duty of said Circuit Judge holding said court, to appoint a Clerk and Master for said county, who shall give bond and security as the law requires, and shall be subject to all the duties and liabilities now by law imposed upon said office. Clerk & Master

**Causes pend'g** **Transcript.** **Morgan Co.** SEC. 3. *Be it further enacted,* That it shall be lawful for said Circuit Judge, upon application of complainants, and with the consent of respondents, to order that the causes now pending in the Chancery Courts at Pikeville and Jasper, which originated in the County of Sequatchie, be transferred to the Chancery Court hereafter to be held at the town of Dunlap; that upon an order of transfer being made as provided for in this Act, it shall be the duty of the Clerks and Masters of the Chancery Courts at Pikeville and Jasper, within forty days after the order of transfer shall have been made, to make a complete and perfect transcript of all rules in relation to the same, either upon the record books of said court, or upon the rule docket, and transmit the same, together with the original papers, to the Clerk and Master of the Chancery Court at Dunlap; and the Clerks and Masters shall receive the fees prescribed by law, to be taxed in the bill of costs.

SEC. 4. *Be it further enacted,* That the provisions of section 3 of this Act shall apply to Morgan County; and all causes of action of a local nature arising in Morgan County, which are now pending in the Chancery Court at Kingston, shall, upon application as provided for in section 3 of this Act, either to the Chancellor holding the Chancery Court at Montgomery, or the Chancellor holding the Chancery Court, at Kingston, be transferred to the Chancery Court at Montgomery, in accordance with the provisions of said section.

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 5, 1869.

## CHAPTER XIV.

AN ACT to Abolish the office of County Judge of Wilson County.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of An Act entitled "An Act to create and establish the office of County Judge for the Counties of Perry, Decatur, Cheatham and Lauderdale, and for other purposes," as creates the office of County Judge for the County of Wilson, passed January 31, 1868, be, and the same is hereby repealed, and the office of County Judge for the County of Wilson is hereby abolished.

SEC. 2. *Be it further enacted*, That so much of said Act as abolishes the Quorum Court of the County of Wilson, be, and the same is hereby repealed; and the Quorum Court in said County of Wilson, with all the rights and jurisdiction pertaining thereto, as they existed by law previous to the passage of the Act referred to in the first section of this Act, is hereby re-established, any provisions in said Act to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That this Act take effect from and after the first day of January, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed November 10, 1869.

## CHAPTER XV.

AN ACT to Repeal all Laws Establishing a Board of County Commissioners for the County of Fayette, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 26 of chapter 99 of An Act passed on the 13th day of March, 1868, establishing a Board of County Commissioners for the County of Fayette, be and the same is hereby repealed.

**Quorum C't.** SEC. 2. *Be it further enacted,* That the Magistrates of Fayette County shall hereafter hold their Quarterly and Quorum Courts at the times and in the manner now prescribed by law for such courts.

**Van Buren County.** SEC. 3. *Be it further enacted,* That sections 12 and 13 of An Act passed on the 3rd day of December, 1867, creating the office of County Judge for the County of Van Buren, and also so much of An Act, passed on the 30th of January, 1869, creating the office of County Commissioners for the several counties therein mentioned, as applied to the County of Van Buren, be and the same is hereby repealed, and that the County Court for said County be held under the laws in force at the time of the passage of said Act.

**Coffee and Grundy Co's.** SEC. 4. *Be it further enacted,* That so much of An Act passed on the 12th day of March, 1868, creating the office of County Commissioners for the several counties therein specified, as applies to the counties of Coffee and Grundy be, and the same is hereby repealed, and that the County Courts for said counties be held under the laws in force at the time of the passage of said Act.

SEC. 5. *Be it further enacted,* That this Act shall take effect from and after the first day of January, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed November 11, 1869.

## CHAPTER XVI.

### AN ACT For the Relief of Thomas N. Frazier.

**Preamble.** *Whereas,* The Hon. Thomas N. Frazier, then Judge of the Criminal Court for the Counties of Davidson and Rutherford, was, by the Legislature of this State, impeached and convicted for high crimes and misdemeanors in office; and,

*Whereas,* We believe said impeachment and conviction were unjust and undeserved, and calculated to injure

honest man, a pure patriot, and an upright and incorruptible Judge; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the pains and penalties and disqualifications imposed upon the Hon. Thomas N. Frazier, by reason of said unjust impeachment and conviction, be, and the same are hereby removed. Disqualifica-  
tion removed.

SEC. 2 *Be it further enacted, by the authority aforesaid*, That the said Thomas N. Frazier be, and he is hereby restored to all the rights, privileges, immunities and benefits of all other citizens of this State, as though said impeachment and conviction had never occurred. Rig'ts restor'd

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed November 11, 1869.

## CHAPTER XVII.

AN ACT Confirming the Acts heretofore Performed by the Commissioners of Registration in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every Act done and performed by either of the Commissioners of Registration now in office, or who have been in office under the appointment of the Governor, in the issuance of certificates of registration, is hereby ratified and declared to be legal.

SEC. 2. *Be it further enacted*, That the Attorneys-general of the several Circuit and Criminal Courts of this State, are hereby instructed and required to enter a *nolle prosequi* in any prosecution, by indictment or otherwise, pending in their Courts against any Commissioner of Registration, growing out of the performance of their duties as such Commissioner of Registration, in the issuance of certificates of registration, under the laws of this State, and whose Acts are hereby ratified and declared to be legal. Duties of At-  
torneys-gen-  
eral.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 23, 1869.

## CHAPTER XVIII.

AN ACT to Change the Place of Holding the Supreme Court for the Western Division of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Supreme Court for the Western Division of the State, shall be held at Jackson in Madison County, on the first Monday in April, in each year.

Clerk's Duties SEC. 2. *Be it further enacted*, That it shall be the duty of the Clerk of said court, to immediately remove from Brownsville, Tennessee, to Jackson, Tennessee, all the records, transcripts and other papers, belonging to said court, together with all movable furniture belonging to the State, and that the County of Madison pay the expense of the removal of such records, transcripts and furniture.

Causes Transferred. SEC. 3. *Be it further enacted* That all writs of error, writs of error and *supersedeas*, appeals and appeals in the nature of writs of error, which have been taken to said court at Brownsville, Tennessee, shall be, and are hereby transferred to Jackson, Tennessee, and shall be as effectual to all intents and purposes as if the same had been made returnable to Jackson, Tennessee; *Provided*, That the first two days of the next term shall be held at Brownsville, to take such action in criminal cases, as in the opinion of the court may be necessary to secure the ends of justice; and in case of the failure of the Court to sit, it shall be the duty of the Clerk to enter forfeitures of all recognizances previously taken for the appearance of parties at said court, when the parties, on being called by the sheriff, fail to appear in pursuance of their recognizance; and it shall further be the duty of said Clerk to take bond and security of such parties as do appear upon being

Proviso.

Bonds.

called, for their appearance at Jackson on the third day of said term; and in case of the failure or refusal of such parties to give such bond, it shall be the duty of the Sheriff of Haywood County to take them into custody and deliver them to the Sheriff or Jailer of Madison County, to answer the State at Jackson, on any appeal or writ of error that may be pending in said court, to which they are parties. Failure.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
EM. ETHERIDGE,  
*Speaker pro tem. of the Senate.*

Passed November 26, 1869.

## CHAPTER XIX.

AN ACT to Amend An Act entitled "An Act to make the Rules of Evidence in the Federal and State Courts, uniform," passed March 13, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed on the 13th day of March, 1868, entitled "An Act to make the rules of evidence in the Federal and State Courts, uniform," be so amended, that, hereafter, in all the civil courts of this State, no person who is interested in the subject-matter of the cause pending, or to which he or she is a party, shall be a competent witness, when said suit is brought by or against the personal representative, widow or heirs at law of a deceased person, interested in the determination of the cause, or in any cause, when the death of either of the plaintiff or defendant previous to trial and after suit brought, deprives the court of the benefit of the testimony of the deceased; *provided* said witness was incompetent under the laws of the State as they existed before the passage of the Act which this is intended to amend. Competency of witnesses.

**Husband and wife.** SEC. 2. *Be it further enacted,* That, in all cases where husband and wife sue, or, are sued jointly, the wife shall not be held incompetent to testify as to the matter and substance in controversy that transpired while she was a *feme sole*, or before marriage, although the husband may have acquired an interest in the subject-matter of the controversy by the marriage.

**Lost Note.** SEC. 3. *Be it further enacted,* That the existence of a lost note against a dead person's estate shall not be established by the affidavit of the holder of the note unless corroborated by other evidence.

SEC. 4. *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 26, 1869.

## CHAPTER XX.

AN ACT to Repeal An Act entitled "An Act to Inflict Penalties upon common carriers, or their agents, for violations of law, in making unjust and illegal distinctions, based on color, race and previous condition."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That An Act to inflict penalties upon common carriers and their agents, for violation of law, in making unjust and illegal distinctions, based on color, race and previous condition, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 27, 1869.



## CHAPTER XXI.

AN ACT to Amend An Act, passed on the 13th of March, 1868, entitled "An Act to amend the revenue laws of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act to amend the revenue laws of the State, passed on the 13th day of March, 1868, be so amended as to impose a tax of fifty cents on each <sup>Hotels and</sup> Livery Stable room except two in a hotel or tavern, and a tax of fifty cents on each stall in a livery stable, or stable kept by hotel or tavern keepers, instead of one dollar, as now imposed by law.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 27, 1869.

## CHAPTER XXII.

AN ACT to Amend the Criminal Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all voters in this State shall be <sup>To vote in</sup> required to vote in the civil district or ward in which they <sup>Civil District</sup> may reside. Any person violating this Act shall be guilty of a misdemeanor, and upon conviction thereof shall not be fined less than twenty nor more than fifty dollars; *Provided*, that sheriffs and other officers holding elections shall be permitted to vote at any ward or precinct in which they may hold an election. <sup>or Ward.</sup>

SEC. 2. *Be it further enacted*, That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, <sup>Deadly</sup> race course, or other public assembly of the people, to carry <sup>Weapons.</sup> about his person, concealed or otherwise, any pistol, dirk, bowie-knife, Arkansas tooth-pick, or weapon in form, shape

or size, resembling a bowie-knife, or Arkansas tooth-pick, or other deadly or dangerous weapon.

SEC. 3. *Be it further enacted*, That all persons convicted under the second section of this Act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the Court.

SEC. 4. *Be it further enacted*, That no liquor shop in this State, shall be kept open on election days, nor shall any person, on said days, give or sell intoxicating liquors to any person for any purpose at or near an election ground.

SEC. 5. *Be it further enacted*, That the grand juries of this State shall have inquisitorial powers concerning the commission of the offenses created by these Acts, and may send for witnesses, as in cases of gaming, illegal voting, tippling and offenses now prescribed by law.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Circuit and Criminal Judges of this State to give the above in special charge to the several grand juries of the courts.

SEC. 7. *Be it further enacted*, That there shall be no property exempt from execution for fines and costs for this offense; *Provided*, That, if from any cause, there should be a failure to hold an election in any civil district or ward, then nothing in this Act shall be so construed as to prevent any voter from voting in any other civil district or ward in his county or town, for State or county officers, at the time prescribed by law.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS.

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed December 1, 1869.

200/66.

## CHAPTER XXIII.

AN ACT to Change the Fifth Chancery District of Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Counties of Lawrence and Hickman be, and the same are hereby, attached to the Fifth Chancery District of Tennessee; and that the court shall be held at Lawrenceburg and Centerville, as is now provided by law. Lawrence and Hickman.

SEC. 2. *Be it further enacted*, That the County of Carroll be, and the same is hereby, detached from the Fifth Chancery District, and attached to the Ninth Chancery District, and that the court shall be held at Huntingdon, as is now provided by law. Carroll Co.

SEC. 3. *Be it further enacted*, That the Governor be, and he is hereby authorized and directed, to cause an election to be opened and held at all the voting places in said District for the election of a Chancellor for said Fifth District, as soon as possible. Election.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 1, 1869.

## CHAPTER XXIV.

AN ACT to Give Further Time to Perfect Titles to Land.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the further time of twenty years be given to all persons to make surveys and perfect titles to lands upon all entries made prior to the passage of this Act; and that this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 1, 1869.

## CHAPTER XXV.

AN ACT to Abolish the Seventeenth Judicial Circuit of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections one and two of An Act passed November 20, 1865, entitled "An Act to establish the Seventeenth Judicial Circuit, and for other purposes," be and the same is hereby repealed.

Times of hold-  
ing courts, etc. SEC. 2. *Be it further enacted*, That the counties composing the said circuit shall fall back, each to the circuit it belonged to before the passage of the Act establishing the Seventeenth Judicial Circuit; and, *Be it further enacted*, that the times for holding the courts in the several counties composing the Seventeenth Judicial Circuit, shall be at the times and places provided by law before the passage of the Act establishing the Seventeenth Judicial Circuit.

Failure of  
Judges to hold  
courts. SEC. 3. *Be it further enacted*, That should no Judge appear at any time and place as now appointed, the clerks and sheriffs shall proceed to open the court, take and renew recognizances, and perform other duties, as now required by law.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 3, 1869.

## CHAPTER XXVI.

AN ACT to Protect the citizens of the State of Tennessee from being Compelled by law again to pay debts heretofore due and owing the Bank of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Watson, as Trustee of

the Bank of Tennessee, shall dismiss or cause to be dismissed, all suits instituted in his name or in the name of the Bank of Tennessee, now pending in any of the courts of law or equity in this State, against any of the former debtors of said Bank of Tennessee, where it appears from the entries on the books of said Bank that the amount formerly due from the debtor or debtors, has been collected by the former officers of the Bank or by the persons lawfully acting as such officers, and having control of the assets of said Bank, without regard to the kind of money or funds in which payment was made, or where the evidence of indebtedness, whether by bill, bond, or promissory note, has been delivered up, and are not in his possession or under his control, and were not delivered over to him as such trustee or as President of said Bank. Suits dismissed.

SEC. 2. *Be it further enacted*, That every payment so made shall be deemed good and valid in law; and when properly plead and proven, shall be in bar of any action now pending or which may be hereafter brought, in any of the courts of this State for the recovery and collection again of the amount so paid and collected; *Provided*, that in any case where it may appear that such payments as are described in this Act shall have been made by collusion with any agent, officer, or attorney or other person, with a view of defrauding the State, the provisions of this Act shall not apply. Payments valid  
Proviso.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 3, 1869.

## CHAPTER XXVII.

AN ACT to Repeal the Act to Secure to the Loyal Citizens of Tennessee recompense from the United States Government for losses incurred by the Rebellion, passed 19th of February, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act to secure to the loyal citizens of Tennessee recompense from the United States

Clerks' duty.

of the Chancery Court of Memphis, equally between the said two Chancery Courts; and to effect this apportionment, it is hereby made the duty of the respective Clerks and Clerks and Masters of said Circuit and Chancery Courts, under the jurisdiction of their respective Judges and Chancellors, to transfer original papers in cases which, by this apportionment, are taken from one of these courts to another, and with each case a copy from the minutes and Rule Dockets thereon, and taxed as part of the costs of such cases; *provided* that in the apportionment of business between the said Chancery Courts, and to save expense of copies, the Rule Docket of the present Chancery Court may be divided between said two Chancery Courts, by transferring to said second Chancery Court as many of the later volumes of said Rule Docket as will be likely to accomplish an equal apportionment of business between the two courts.

Election.

SEC. 7. *Be it further enacted*, That an election for two Judges, one for each of said Circuit Courts, and one Judge and one Attorney-general for said Criminal Court; two Chancellors, one for each of said Chancery Courts, shall be held in Shelby County, on the fourth Thursday of May, 1870; and the said Judges and Chancellors, and the said Attorney-general shall hold their offices for the terms prescribed by the Constitution and general laws of the State for such officers, respectively; and the first officers elected under this Act shall hold their offices respectively, until their successors are elected and qualified.

Powers, etc.

SEC. 8. *Be it further enacted*, That the said Judges and Chancellors shall have the same powers and authority as other Circuit Judges and Chancellors throughout the State, including the right of interchange with other Judges and Chancellors, and with each other, and to sit upon their own adjournments. The Clerks shall have the same powers, perform the same duties, be liable to the same penalties, give the same bonds, and receive the same compensation, as other Circuit Clerks throughout the State.

Times of holding Courts.

SEC. 9. *Be it further enacted*, That each of said Circuit Courts and said Criminal Courts shall be held three times in each year, commencing on the third Mondays in January, May and September; the said Circuit Courts as near each other as conveniently may be, but in different rooms. The said Chancery Court twice in each year, commencing on the first Mondays in April and October, as near each other as conveniently may be, but in different rooms; and all of said Courts at the county seat of said county.

SEC. 10. *Be it further enacted*, That all causes pending in the Supreme Court of this State, which originated in either of the courts abolished by this Act, and which may be remanded for further proceedings, shall be severally remanded to that one of the courts hereby established, which by the provisions of this Act has the custody of the original records in such cases, to be finally proceeded with therein; and all bonds and recognizances for the appearance of parties or witnesses in either of the courts abolished by the provisions of this Act, shall be good and valid to compel the appearance of said parties and witnesses in the court to which the record in which they were given, has, by this Act been transferred. Causes pending in Supreme Court.

SEC. 11. *Be it further enacted*, That the salaries of the Judges and Chancellors of the several courts established by this Act, shall be the same as for Circuit Court Judges and Chancellors, as established by law, each to be paid by the State as other Judges and Chancellors are paid; Salaries. *provided*, that the County Court of Shelby County may appropriate a sum sufficient to increase the salaries of said Judges and Chancellors not exceeding two thousand dollars each, additional thereto.

SEC. 12. *Be it further enacted*, That the several courts hereby abolished shall continue in full force and operation as at present constituted, until the several Judges, Chancellors and Clerks herein provided for, shall have been elected and qualified; and immediately after their election and qualification, each of the said Chancellors shall appoint one Clerk and Master for his said court, and so soon as such Clerks and Masters herein provided for, have been qualified according to law, it shall be the duty of the present incumbents to deliver to their respective successors in office all the books, papers and records of their respective courts. Organization, etc.

SEC. 13. *Be it further enacted*, That the condemnation of land for State and county taxes in Shelby County, shall be by the "First Circuit Court," and the condemnation of real estate in the city of Memphis, for city taxes, shall be in and by the Second Circuit Court created by this Act. Condemnation of Land.

SEC. 14. *Be it further enacted*, That one clerk for each of said Circuit Courts and for said Criminal Court, shall be elected at the next regular election for county officers in said county of Shelby, who shall hold their offices for the terms prescribed by the Constitution and general laws of the State.

SEC. 15. *Be it further enacted*, That a Circuit Court for the County of Shelby, be and the same is hereby es- Election.

Same.

widow Whetlock's, on the Sullivan and Washington county lines; thence north 78 degrees east, eight miles to a Spanish oak on said line; thence mouth 30 degrees west, three and one-half miles to a black oak near Andrew Coins' field; thence north 13 degrees west, one and one-half miles, crossing Holston river to the mouth of a creek on the north side of the river, which is the end of the meridian line ten miles from Blountville; thence on the same line one and one-half miles, to a stake; thence north 4 degrees east three miles to a Spanish oak; thence north 21 degrees east one and four-fifths of a mile to a stake on the Virginia line; thence with said line south 87 degrees west twenty-one miles to a stake on said Virginia line; thence south 20 degrees east seven and one-tenth mile to a stake near Holston river; thence south 23½ degrees east two and a half miles to a stake in Wesley Phipps' field, which is the end of the meridian line twelve miles from Rogersville; thence south 22 degrees east, crossing the river two and one-half miles to a white oak; thence south 8 degrees east three miles to a stake; thence south 6 degrees west seven-eighths of a mile to a pine tree on the top of Stone Mountain; thence with the Greene and Hawkins county line south 57 degrees west one and five-eighths mile; thence north 64 degrees west two-thirds of a mile to a stake in Myer's gap; thence north 69 degrees west three-fourths of a mile to a stake on the top of Piney Mountain; thence south 46 degrees west one and three-eighths miles, to a stake on Pine Mountain; thence north 45 degrees west three-eighths of a mile to a stake on the top of Middle Mountain; thence south 45 degrees west one and one-eighth mile to a stake in Laurel Gap; thence south 85 degrees west one mile to a stake on a mountain near C. Brown's; thence south 40 degrees west two and three-eighths miles to a stake in H. Carter's field; thence north 80 degrees west one and one-eighth miles to a stake on the top of a mountain near S. G. Lee's; thence north 48 degrees west thirty-seven chains to a stake; thence south 42 degrees west six and one-fourth miles to the top of Pine Mountain; thence north 60 degrees west sixty-nine chains, to a stake on the top of a mountain near Day's; thence south 42 degrees west three and seven-eighths miles to a stake on the Hawkins County line; thence south 48 degrees east two miles and seven chains, to Guthrie's bridge; thence north 62 degrees east up Lick creek one mile and four chains to a stake; thence north 14 degrees east one and two-fifths miles to a stake; thence north 28 degrees east three miles to a stake; thence north 42 de-

Same.



grees east three miles to a stake near George Kinney's; thence north thirty-nine and a half degrees east, two miles and one-eighth to a hickory tree on the spur of a mountain; thence north 68 degrees east three miles to a small gum tree near W. Smith's; thence north 82 degrees east three miles to a stake on the top of a ridge near John Rutherford's; thence south sixty-eight and a half degrees east three miles to a gum tree on the Babb's Mill road; <sup>Same.</sup> thence south 54 degrees east three miles to a black oak; thence north thirty-nine and three-fourths degrees west three and three-eighths miles to a large Sycamore tree on the Washington county line; thence with the same north eleven and a half miles to a black oak near Barnet Baxter's, which is the end of the meridian line twelve miles from Jonesboro; thence north fifty and one-fourth degrees east one and four-fifths miles to the beginning.

SEC. 3. *Be it further enacted,* That, for the purpose of organizing the County of Powell, A. R. Moulton, J. H. Crouch, R. P. Gott, S. H. Ball and W. S. White, shall be and they are hereby appointed commissioners, and shall take an oath before some Justice of the Peace, to faithfully and impartially discharge the duties imposed upon them by this Act, a majority of whom may act in all cases; and they shall keep a record of their proceedings. <sup>Commis'rs.</sup> and return the same to the County Court at its first session, for file therein.

SEC. 4. *Be it further enacted,* That the Commissioners be and they are hereby directed, to cause an election to be held, after giving twenty days' notice at such time as they may deem best, in one or more places in each of the fractions stricken off from the counties of Washington, Sullivan, Hawkins and Greene, for the purpose of ascertaining whether a majority of the people residing in those fractions are in favor of or opposed to the establishment of Powell County; and all male citizens of the United States and of this State, a resident in said fraction in which he may offer his vote six months next preceding the day of election, shall be entitled to vote, and those who favor the establishment of Powell County, shall have written or printed on their tickets, the words "New County." <sup>Election.</sup> Those opposed to the same, the words "Old County." <sup>Voting, etc</sup> And the judges and other officers appointed by said Commissioners to hold said election, shall make out and return to said Commissioners the next day, the result of the election held at each place; and if a majority of the votes cast in each fraction be in favor of the new county, then the County of Powell is hereby declared to be a county,

with all the powers, privileges and advantages, and subject to all the liabilities with other counties in this State: *Provided*, said election shall take place on or before the first Monday in February, 1870.

Commissioners  
duties.

SEC. 5. *Be it further enacted*, That if said county is established in accordance with section 4, of this Act, it shall be the duty of said Commissioners to give public notice of that fact, and to proceed to and lay off the new county into such a number of civil districts, not to exceed fifteen, as they may think proper; and to order a general election for all the necessary county and district officers, to take place with the general election throughout the State, on the first Saturday in March, 1870, and to be held under the same rules and regulations as in other counties; and the officers holding said election shall make returns of the same to said County Commissioners, who shall compare the votes and declare the result of the election.

Same.

SEC. 6. *Be it further enacted*, That it shall be the duty of said Commissioners to immediately forward to the Governor the names of the persons elected Justices of the Peace at said election, who shall cause commissions to be issued for the same without delay; and the Justices of the Peace so elected and commissioned for the term of six years, shall, on the first Monday in April, 1870, meet at Fall Branch and organize the County Court, qualify and take the necessary bonds from the county officers elect, and take general control of the public affairs of the county.

Courts.

SEC. 7. *Be it further enacted*, That when said County Court shall have provided a suitable place for holding courts, it shall be the duty of the Judge and Chancellor presiding in the first district to which Powell County is hereby attached, to open and hold and regularly, at Fall Branch, a term of their courts, to commence respectively on the first Mondays after the holding of the last court, for each term in their district under the same rules and regulations governing other courts in this State; *provided*, that in all cases where litigants, in the courts of either of the old counties from which Powell County was taken shall desire it, the same may, by order of the court, be transferred to Fall Branch.

Tax collectors

SEC. 8. *Be it further enacted*, That it shall be the duty of the tax collectors of the counties of Washington, Sullivan, Hawkins and Greene, to transfer to the tax collector for Powell County, the collections of all the taxes assessed in the fractions of the counties as aforesaid, by the assessors of the old counties, for the year 1870, who shall collect

the same under the same rules and restrictions governing other collectors in this State; *Provided*, that nothing in this Act shall be so construed as to release the citizens stricken off to compose said Powell County, from paying their *pro rata* of any railroad tax now due and owing by the counties from which they are taken.

SEC. 9. *Be it further enacted*, That the jurisdiction and powers of such Justices of the Peace for the old counties, as may, by this Act be attached to the new county, Powers of shall remain as now fixed by law, until the expiration of Justices, etc. their term, unless they may elect to vacate the same for a similar position in the new county; in which case no vacancy thus made shall be filled by the old counties, from the territory stricken off for Powell County.

SEC. 10. *Be it further enacted*, That in all elections for members to the General Assembly, the fractions of counties composing the county of Powell shall continue to Elections. vote with the old counties to which they belonged, until the next general apportionment of Representatives; *provided*, that all that fractional portion taken off of or from the county of Hawkins, north of Holston river, be allowed, and are hereby declared to be no part of the county of Powell, one year after its organization as a county, but Proviso. shall be a part and parcel of Hawkins County, in every relation as though the county of Powell had never been established, and the same shall also apply to that part of Sullivan County north of said river.

SEC. 11. *Be it further enacted*, That so much of An Act passed February 19, 1869, entitled "An Act to attach Lewis County the fractions of Lewis County in their original counties," as relates to Lewis County, to wit: Sections one, three, four, five and six, be and the same are hereby repealed.

SEC. 12. *Be it further enacted*, That said county of Lewis be and the same is hereby re-established in accordance with the laws in existence previous to, and repealed by said Act of February 19, 1869. Same.

SEC. 13. *Be it further enacted*, That the various officers of the said county in existence at the time of the passage of said Act of February 19, 1869, shall resume and hold their offices until their terms of office shall expire, or until their regular successors shall be elected. Officers.

SEC. 14. *Be it further enacted*, That the records belonging to the county of Lewis, which may be in the hands of any of the officers of Maury or any other counties, shall be returned to the proper officers of Lewis County. Records.

SEC. 15. *Be it further enacted*, That all suits which may have been commenced in said county of Lewis before,

Suits at law  
transferred.

and shall have been transferred to the various courts of either of the counties of Maury, Hickman, Lawrence, Wayne and Perry, after the passage of said Act of February 19, 1869, shall be transferred to the particular court of Lewis County to which they belonged; and all suits commenced in said counties in relation to property embraced within or against persons living in the territory of said county of Lewis since the passage of said Act, shall be transferred to their proper courts of said county of Lewis.

Tax Collectors

SEC. 16. *Be it further enacted*, That the tax collectors of the counties of Maury, Hickman, Lawrence, Wayne and Perry, shall pay over to the Trustee of Lewis county all moneys which they have received on account of taxes on property embraced within the territory of Lewis County, and take his receipt thereof, which, when taken shall be his voucher therefor to the proper officer with whom he has to settle.

Tax remitted.

SEC. 17. *Be it further enacted*, That the State tax of the county of Lewis for the year 1869, be, and the same is hereby remitted.

Wayne Co.

SEC. 18. *Be it further enacted*, That the Tax Collector of Wayne County pay over the State tax by him collected for the year 1869, in the fractional part of Lewis County, as he does the State tax of Wayne County.

Lands of  
Maclin and  
Conner, etc.

SEC. 19. *Be it further enacted*, That the lands of Lewis S. Maclin and Champ C. Conner, adjoining and lying in Lauderdale and partly in Haywood Counties, be stricken off from Haywood County and attached to and belong to Lauderdale County; *provided*, that no old county from which said counties are taken, shall be reduced below the number of square miles required by the Constitution; and said new counties shall have the number of square miles required by the Constitution for the establishment of a new county.

Line, Com-  
missioner's,  
etc.

SEC. 20. *Be it further enacted*, That the line between Maury and Lewis counties be run so as to leave the lands and premises of C. S. Williams, R. G. Beckum, W. P. Pickard, James M. Pickard, G. W. King and Benjamin Fuller, in the county of Maury; that A. G. Cooper, Allen Noles, Richard Downey, Maber Nutt and Jones W. Christian, be, and they are hereby appointed Commissioners to organize Lewis County. They will open and hold according to law, elections in all the civil districts in said county to fill all the offices heretofore held in said county on the first Saturday in January, 1870; and that all future elections shall be held as now provided by law.

SEC. 21. *Be it further enacted*, That all officers holding office at the time Lewis County was abolished, shall hand over all books, papers, moneys, etc., to their successors immediately upon their qualification and induction into office; that all defaulting officers and their securities, shall be proceeded against as now provided for by law. Duties of Officers.

SEC. 22. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 7, 1869.

## CHAPTER XXXI.

AN ACT to Repeal all Laws granting State aid to Internal Improvements in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws of this State granting State aid to internal improvements, are hereby repealed, and that no further or additional State aid shall be granted or issued to any railroad or turnpike company in this State.

SEC. 2. *Be it further enacted*, That neither this Act nor the Act passed on the 28th of October, 1869, entitled An Act to change the mode of appointing Receivers on delinquent railroads in this State, shall be so construed, as to prohibit the Governor from issuing the bonds of the State to pay for superstructions or work that may have been contracted for by the Directors of any railroad company in the State, where the contractor has actually bound himself to complete the same and contracted for the material. Construction as to Gov's duty.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 8, 1869.

## CHAPTER XXXII.

AN ACT to Repeal An Act Changing the Line between the Counties of Henry and Carroll, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 5, of An Act passed December the 12th, 1867, changing the line between the counties of Henry and Carroll, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the county line between the counties of Robertson and Montgomery, be so changed as to include in Robertson County all of the territory now embracing the residences and farms of E. L. Fort, Robert Long, H. G. Long, Harding Durham, A. M. Jones, C. M. Warfield, S. F. Mitchell, John Sadler and J. E. Hill. The line between said counties shall run as it existed previous to the passage of the Act placing said territory in Montgomery County.

SEC. 3. *Be it further enacted*, That all laws in conflict with the foregoing section of this Act, be and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That the line between the counties of Davidson and Cheatham be so changed as to include all the lands of Nathan G. B. Greer, (constituting the place on which he resides,) within the limits of Davidson County.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 9, 1869.

## CHAPTER XXXIII.

AN ACT to Repeal An Act passed on the 5th day of March, 1867, entitled "An Act to Provide for the Reorganization, Supervision and Maintenance of Free Common Schools," and An Act passed March 14, 1868, entitled "An Act to Amend An Act entitled An Act to provide for the Reorganization, Supervision and Maintenance of Free Common Schools, passed March 5, 1867, and more Effectually to Secure the Revenue for School Purposes," and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed on the 5th day of March, 1867, entitled "An Act to provide for the reorganization, supervision and maintenance of Free Common Schools," and An Act passed March 14, 1868, entitled "An Act to amend An Act to provide for the reorganization, supervision and maintenance of Free Common Schools, passed March 5, 1867," be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the State Superintendent and County Superintendents, or any other person having under his control any money appropriated for common school purposes, unexpended, shall pay the same over to the Comptroller of the Treasury, to be received into the Treasury as other moneys belonging to the State are paid in. Superintend-  
ents.

SEC. 3. *Be it further enacted*, That each County Court of every county in the State, may levy a direct tax on the property and taxables of their respective counties, not to exceed the State and county tax for the support and maintenance of a system of common schools in their respective counties, to be collected in the same manner that other taxes are assessed and collected, and paid over into the possession and control of the respective County Trustees, and to be by them distributed and paid out, as provided by law, according to the ratio of children between the ages of six and twenty-one, in the several school districts, as compared with the children within those ages of the whole county, according to report of the respective Commissioners of Common Schools in each district in the county, made according to law. County Co'ts  
may levy tax.

SEC. 4. *Be it further enacted*, That the schools for white children and for colored children shall be kept separate and apart from each other, and the School Commissioners from each district will observe strictly this requirement. Separate  
Schools.

SEC. 5. *Be it further enacted*, That the State Superintendent of Common Schools shall have ninety days from the passage of this Act to settle and wind up his office and he shall approve all accounts for money due any county from the school tax of 1866-7, where the same has not been drawn and hand over the warrants to the County Trustee of such county, and take his receipt for the same.

SEC. 6. *Be it further enacted*, That the taxes levied and collected by the respective counties under the provisions of this Act, shall not be used for any other purpose than that of education, and shall be denominated the Common School Fund for said county; *provided* the school fund raised by each county shall be equally distributed *pro rata* among the white and colored scholastic population of the county.

SEC. 7. *Be it further enacted*, That the counties which have not received their quota of the school fund already collected, and to be collected under existing assessments, shall be furnished their quota out of the first money realized; and after all the counties are equalized the balance, if any, shall be divided amongst all the counties *pro rata*, according to scholastic population, and paid over to the Treasurer of such county for school purposes.

SEC. 8. *Be it further enacted*, That in all cases where it shall, upon settlement, appear that a County Superintendent has paid out, for common school purposes, more money than he has received, the Comptroller of the Treasury shall issue his warrant to such Superintendent for the amount so overpaid; *provided* there be any school money due his county.

SEC. 9. *Be it further enacted*, That teachers of common schools who have already been employed as teachers shall be paid according to contract, out of any moneys due their counties.

SEC. 10. *Be it further enacted*, That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

SEC. 11. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
Speaker of the House of Representatives.  
D. B. THOMAS,  
Speaker of the Senate.

Passed December 14, 1869.



## CHAPTER XXXIV.

AN ACT to Amend Section 1102 of the Code, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1102 of the Code of Tennessee be so amended as to embrace all parties in possession of any railroad in this State, whether in the hands of a Receiver or other parties, under said Receiver, and that where any railroad shall have heretofore been placed in the hands of any Receiver, and the same has been directed to be turned over to the President of said railroad company as such Receiver, under the provisions of An Act of the present Legislature, passed on the 26th day of October, 1869, that it shall be the duty of the Governor immediately to issue his warrant directed to the sheriffs of any counties through which such road runs, directing and commanding such sheriffs to take possession of such road, engines, cars, fixtures, property and books, depots, shops, and everything else belonging to said road, and turn the same over to the President of said road, whether the same shall be found in the possession of such Receiver appointed before the passage of such Act, or in the hands of any lessee, pretended lessee, agent of said Receiver, or other person: *Provided*, said President has given bond as required by said Act of October 26, 1869. Receivers and others.

SEC. 2. *Be it further enacted*, That any sheriffs into whose hands such warrants shall come, shall have power, and it shall be their duty, to execute said warrants as herein directed, in any counties through which such, or any portion of it may pass, as fully as if the entire road was located within their counties. Gov's duty.

SEC. 3. *Be it further enacted*, That any sheriffs receiving such warrants, shall have power to summon the posse of the county or counties in which such warrants are to be executed. Any sheriff failing or refusing to execute such warrants shall be guilty of high misdemeanors, and upon conviction shall, before any court having jurisdiction of misdemeanors, and be fined not less than \$500, and shall be discharged from office. Sheriff's duty, etc.

SEC. 4. *Be it further enacted*, That any party having possession of such road, and whose duty it is to turn the same over to the President of said railroad company, by the Act of October 26, 1869, or under this Act, and who fails or refuses, upon the demand of said President, to turn Same.

over said road immediately, with all the property, real or personal or mixed, and all the fixtures to him as the President of said railroad company, shall be deemed guilty of a high misdemeanor, and upon conviction before a tribunal having cognizance of misdemeanors, shall be fined not less than five hundred dollars, (\$500) and shall be imprisoned in the county jail at the discretion of the court trying the same, not less than three nor more than six months; and in addition shall pay to said railroad company, as damages for the detention of said road, double the gross receipts of said road for each day the same was detained, beside being liable at the suit of said company for any other damages they may sustain. The penalties herein named shall apply whether the demand is made before or after the application to the Governor for his warrant.

Refusal to  
turn over road

Penalty.

Co's to have  
lien for States  
use.

SEC. 5. *Be it further enacted*, That such railroad company, for the use of State, shall have (and the same is hereby declared) a lien upon all the property owned by Receiver or owned by other parties running said road as lessees, or by, through, or under such Receiver, in any way, for all sums of money due or to become due and owing the State of Tennessee, to such railroad company, on account of growing out of such Receivership or out of the connection of such parties with said road, under and by, through, in connection with such Receiver; any transfer made by such parties shall, as to such liability, be declared void.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS.

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed December 16, 1869.

## CHAPTER XXXV.

AN ACT to Repeal An Act passed November 26th, 1866, entitled "An Act to define the Qualifications of Jurors in this State,"

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed November 26th, 1866, entitled "An Act to define the qualification of jurors in this State," be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 7, 1870.

## CHAPTER XXXVI.

AN ACT to Amend An Act, Passed February 25, 1869, and to Permit Railroads to Select a New Name.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any of the railroads of this State shall consolidate their interests and franchises, as provided by An Act of the General Assembly, passed February 25, 1869, they are hereby authorized to adopt the name of either of the roads so consolidating, or a combination of the names of all the roads, or a new name; Consolidation. *Provided*, however, that the adopting of said new name shall not release either one of the roads from any and all liabilities they are separately under, to the State of Tennessee, under and by the laws of this State; and, *provided further*, that, under their new name, the railroads thus consolidated, shall succeed to all the privileges and immunities, and be subject to all the liabilities of the respective roads existing previous to their consolidation; *Provido.* *provided further*, that said consolidation shall not operate so as to abate any suit pending at the time of consolida-

tion in favor of or against either of said roads so consolidating.

**E. T. & Va.,  
and ET & Ga.  
R. R. Co's.** SEC. 2. *Whereas*, The East Tennessee and Virginia and the East Tennessee and Georgia Railroad Companies, have consolidated into one corporation, under the provisions of an Act entitled "An Act to liquidate the State debt created in aid of railroads," passed the 25th day of February, 1869; and, *Whereas*, it is desirable that the consolidated company's name should carry into it the names of the consolidated companies;

**Names changed,  
Shares,  
etc.** *Be it therefore enacted by the General Assembly of the State of Tennessee*, first: That the name of the consolidated company is hereby changed from the East Tennessee and Virginia Railroad Company, to the East Tennessee, Virginia and Georgia Railroad Company; and that the shares in said company shall be one hundred dollars, with quarter, half and three-quarter shares, representing twenty-five, fifty and seventy-five dollars; and these fractional shares shall be entitled to fractional votes in the meeting of said company. 2. The company is hereby authorized to issue bonds running to maturity, at such date, and bearing such rate of interest as may be deemed best, with which to retire the State debt, under the provisions of the Act of the 25th of February, 1869; and all laws and parts of laws in conflict with these provisions, are hereby repealed: *Provided*, that the issuance of the bonds hereby authorized, shall, in no way, impair any liens reserved to the State, on either of said roads so consolidating, except as provided in said Act of 25th of February, 1869.

**May issue  
bonds.**

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed December 17, 1869.

## CHAPTER XXXVII.

## AN ACT in Relation to Clerks of the Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall be the duty of each Chancellor in this State, on the first day of each and every term of their respective courts, to examine the bonds of the Clerk and Master of such court, and shall Bonds. ascertain and determine whether such bonds are in conformity to law, and whether the securities on the same are good and solvent, and worth the penalties of such bonds.

SEC. 2. *Be it further enacted,* That the Chancellors aforesaid shall have power, and it is hereby made their duty, whenever necessary to arrive at a correct knowledge of said bonds, and their sufficiency, to summon witnesses and examine them on oath, and to examine all Same. records in any of the county or State offices, and all records and papers in the offices of such Clerks and Masters.

SEC. 3. *Be it further enacted,* That whenever any of the Chancellors aforesaid, from an examination, as provided in this Act, or otherwise, shall ascertain and determine that the bonds of the Clerk and Master of such courts, are not sufficient from any cause, he shall forthwith Same, insufficient make a record of such fact on the minutes of the court, and order such Clerk and Master, within thirty days from that date, to make his bonds sufficient, by executing new bonds, or by giving additional security, and complying with any other order of such Chancellor, in regard to such bonds.

SEC. 4. *Be it further enacted,* That the provisions of this Act shall apply to the clerks of the courts of this State; and it shall be the duty of the Judges of the Supreme, Circuit, Criminal and special courts, at each term thereof, to inquire into the bonds of their clerks, as provided in this Judges of all courts to examine bonds. Act; and it shall be the duty of the County Courts of the several counties, at every quarterly term, to inquire into the bonds of their clerks, as provided in this Act; and all the rights, powers and authority herein vested in the Chancellors of the courts of equity are vested in the Judges of the Supreme, Circuit, Criminal, special and County Courts.

SEC. 5. *Be it further enacted,* That nothing in this Act contained, shall prevent the several Chancellors, Judges and courts herein mentioned, from making said

Same.

examination on any other than the first day of the court *Provided*, That the investigation is made at each term at each quarterly term of the courts, as herein provided, and the same may be continued from day to day until a satisfactory examination is obtained.

Sec. 5079 of the Code.

SEC. 6. *Be it further enacted*, That the provisions of sub-section second, of section 5,079, of the Code, shall apply to all the Clerks and Clerks and Masters of the several courts in the State, whether the same shall be held to be State or county officers, or otherwise; and it shall be made the special duty of the Grand Jury, in each county in the State, to inquire into the correctness and sufficiency of the bonds of the Clerks and Clerks and Masters of all the courts within their respective counties; and for that purpose, may send for witnesses and examine all necessary records and papers; and should they find any of the bond of the Clerks or Clerks and Masters not correct in form or sufficient in amount, or lacking in good and sufficient security, it shall be the duty of the Grand Jury to return such fact or facts to the Court in which such Clerk or Clerk and Master is an officer; and it shall be the duty of the court, without delay, to make an order upon the said Clerk or Clerk and Master, that he shall, within thirty days, execute new bond or bonds, or give such further and additional security as the court may be satisfied with.

Grand Juries duties.

Clerks to be removed on failure to comply.

SEC. 7. *Be it further enacted*, That should any of the Clerks or Clerks and Masters of this State fail to comply with the order of any of the courts, as herein provided, it shall be good and sufficient cause and it shall be the imperative duty of the court to remove such Clerk or Clerk and Master, and appoint some other person in his room and stead, and if such person so removed has been duly elected by the people, the appointment shall be to fill the unexpired term, and if the person removed is the appointee of the court, the appointment shall be for a full term of office and ample power and authority is vested in the courts to take bond and security and to carry into execution the provisions of this section.

SEC. 8. *Be it further enacted*, That the provisions and powers of section 6 of this Act, shall be given specially in charge to the Grand Jury, by the Circuit and Criminal Judges at each term of the court.

Clerk's report.

SEC. 9. *Be it further enacted*, That on the first day of each term of the several courts herein mentioned, it shall be the duty of the Clerks or Clerks and Masters, in or out of court, to make a general report, to state to the court the amount of moneys in his office, and the cases in which the several sums be

long; but no cost need be stated in said report, except the State revenues; and the said report shall be filed not only for the inspection of the court, but for the inspection of the Attorneys and parties interested; and it shall be the duty of the court to appoint some person or persons to examine said report and money, to see that the same in every respect, is correct. Clerks to make reports each term.

SEC. 10. *Be it further enacted*, That should any Clerk or Clerk and Master willfully and corruptly make a false report to the Court, as provided in section nine of this Act, the same shall be a misdemeanor in office, and upon indictment or presentment and conviction, shall pay a fine of not less than five hundred dollars, and shall be imprisoned at the discretion of the court, and shall be removed from office under the provisions of section seven of this Act. False reports.

SEC. 11. *Be it further enacted*, That if any Clerk or Clerk and Master of any court within this State shall, without authority of law, use, loan, or convert to his own use, or otherwise dispose of any money or property which may have come into his hands by virtue of his being such Clerk or Clerk and Master, he is guilty of embezzlement, and for every such act, upon conviction, shall be imprisoned in the Penitentiary not less than five nor exceeding twenty years, and fined in a sum equal to the money embezzled, to be applied in satisfaction thereof. But if such Clerk or Clerk and Master shall account for any pay over according to law and the order of the court, all money, property, or other effects by him collected or received as aforesaid, he shall not be within the provisions of this section: *Provided*, That in cases of vacancies the same shall be filled as now provided by the Code. Penalty for using money in their hands

SEC. 12. *Be it further enacted*, That so much of An Act, entitled "An Act to amend the revenue laws of the State of Tennessee," as requires clerks of courts to make monthly settlements with the County Trustee, be and the same is hereby repealed. Repealed.

SEC. 13. *Be it further enacted*, That it shall be the duty of all clerks of courts in this State, to report to and pay over all revenue by them collected, on or before the first Tuesday after the first Mondays in January, April, July and October, in each year, to-wit: The revenue due the State, to be reported to the Comptroller, and paid on his warrant to the Treasurer of the State; and the revenue due the county, to be reported to the Chairman of the County Court, and paid on his warrant, to the County Trustee. Revenue to be paid over.

SEC. 14. *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 17, 1869.

## CHAPTER XXXVIII.

### AN ACT to Fix the License of Retail Liquor Dealers, and for other Purposes

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this Act, the State license for the privilege of selling liquors in quantities less than a quart, or in larger quantities, to be drank at the place of sale, shall be as follows: If the place of sale be not an incorporated city or town, with a population of over one thousand inhabitants, said license shall be fifty dollars; in a city or town, having a population of over one thousand inhabitants and not over five thousand, then such license shall be seventy dollars; in a city or town having a population of over five thousand inhabitants, one hundred dollars.

Rates of License.

SEC. 2. *Be it further enacted,* That, for the use of the county or incorporated town in which said privilege is exercised, such additional license, not exceeding the State license for each, may be imposed by the County Court, and the authorities of such city or town.

County Co'ts or towns may tax.

SEC. 3. *Be it further enacted,* That, in addition to the license above required to be paid for the privilege of retailing liquors, such liquor dealer shall pay the same tax on his purchases as other merchants are required to pay at the time of levying such merchants' tax; and they shall then have the same privileges, and be subject only to the same restrictions, as other merchants.

Merchants' tax.



SEC. 4. *Be it further enacted*, That all laws and parts of laws conflicting with this Act be, and are hereby, repealed; and that this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 18, 1869.

## CHAPTER XXXIX.

### AN ACT Regulating Places of Amusement.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in Theaters and other places of amusement, where any admission fee is, or is not required from visitors, no wine, spiritous or malt liquors, or cigars, shall be sold or furnished to visitors inside of such place of amusement, nor in any apartment opening into the same; nor shall any indecent or immoral exhibition be permitted, under a penalty of fifty dollars for the first offense, and a like penalty and forfeiture of license for the second offense. Spirituous Liquors not to be sold.

SEC. 2. *Be it further enacted*, That it shall be the duty of the sheriff of the county to see this law enforced. Sheriff's duty

SEC. 3. *Be it further enacted*, That all laws and parts of laws inconsistent with this Act are hereby repealed. This Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 JONATHAN MORRIS,  
*Speaker pro tem. of the Senate.*

Passed December 18, 1869.

## CHAPTER XL.

AN ACT Directory to the Comptroller of the State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be paid to Ward & Briggs, lessees of the Penitentiary, the sum of one hundred and thirty-two thousand two hundred dollars and sixty-four cents, (\$132,200.64) for, and on account of the assessment of the value of their property, as made by James Plunket, John C. Ward and T. M. Brennan, under the Act of the 19th day of February, 1869; *Provided*, that the lessees give immediate possession of the prison and property, but without prejudice to the suits now pending, to either party. This payment shall be made to them by the warrant of the Comptroller upon the Treasurer of the State, which warrant the Comptroller shall be, and he is hereby authorized, directed and required to issue to them, and which warrant shall be paid out of any money in the State Treasury, not otherwise appropriated; and, if there is no moneys in the State Treasury which can be used for the payment of said warrant, the Comptroller is hereby authorized, directed and required immediately to effect a loan for the purpose of raising the money for the payment of said warrant; and for the purpose of effecting said loan, he is hereby authorized and empowered to pledge or hypothecate a sufficient amount of the six per cent. bonds of the State of Tennessee. The Comptroller shall pay into the public Treasury the money so borrowed to meet said warrant, or whatever part of such warrant there may be in the State Treasury, no unappropriated funds to meet.

Am't to be  
paid Ward &  
Briggs.

How to be  
paid.

Same.

Compt'r to  
deed take.

SEC. 2. *Be it further enacted*, That the Comptroller, upon the issuance of said warrant, and the delivery of the same to Ward & Briggs, and as the condition upon which he is authorized to deliver the same to them, take from them a deed to the State of Tennessee for the property included in said assessment, and their surrender of the lease of the convict labor in the Penitentiary and of the possession of the workshops.

SEC. 3. *Be it further enacted*, That this payment of the said one hundred and thirty-two thousand two hundred dollars and sixty-four cents, (\$132,200.64,) shall, in no way, waive or impair the right of the State to contest the balance of the claim of Ward & Briggs for the balance of the assessment beyond the one hundred and thirty-two thousand two hundred

dollars and sixty-four cents (\$132,200.64). Neither shall its acceptance by Ward & Briggs, and the execution and delivery by them of the said deed, and the surrender of the lease, and the possession of the workshops in any way waive or impair their right to claim and recover the balance of said assessment, if legally entitled thereto. Nor shall their acceptance of such payment, and such surrender of said lease and possession of said workshops in any way waive or impair any lien they have upon the machinery, tools and implements in said Penitentiary, included in said assessment.

Rights not waived or impaired.

SEC. 4. *Be it further enacted*, That the bill which has been exhibited, and is now pending in the Chancery Court at Nashville, by the State of Tennessee and G. W. Blackburn, Comptroller, against Ward & Briggs, touching and concerning the above mentioned assessment, and the property included therein, and touching and concerning a certain arbitration by a board of arbitrators, composed of lawyers, and touching and concerning the other matters and things stated in said bill, shall be prosecuted to a final hearing in the Chancery Court; and, if need be, to a final hearing in the Supreme Court, by appeal or writ of error.

Causes pending to be prosecuted.

Whatever further sum of, if any, besides the said one hundred and thirty-two thousand two hundred dollars and sixty-four cents, (\$132,200.64), shall, by a final decree of the Chancery Court, unappealed from, or not taken up by writ of error, or by a final decree of the Supreme Court, if the case shall be taken there by appeal or writ of error, be found due from the State of Tennessee to Ward & Briggs, for and on account of the above stated assessment, or for and on account of property included therein, shall be paid to them by the issuance of the Comptroller's warrant upon the Treasury of the State of Tennessee therefor, so soon as the matter is finally decided by a decree of the Chancery Court from which there is no appeal or writ of error prosecuted, or by a final decree of the Supreme Court; and in like manner, whatever sum, if any, shall be found due to Ward & Briggs, on the footing of the decision of the Board of Arbitration, or of the matters and things submitted to said board, whether finally passed upon by said board or not, shall be paid to them by the warrant of the Comptroller upon the Treasury of the State.

Further sum which may be found due.

How to be paid.

But whatever sums shall be found due from them to the State of Tennessee, by the final decision of the Chancery or Supreme Court, as aforesaid, for or on account of any of

Or recovered.

the matters and things involved in the above stated suit, in the Chancery Court of Davidson County, shall be deducted from and reserved out of any or whatever sums may be found due from the State to them; and the State shall only pay the sum found justly due to them upon a final decision of all the matters involved in said suit; and, if upon such final adjustment and decision, there shall be a balance found due from them to the State, such balance shall be recovered by the State from them.

The courts, however, are to determine all matters involved in said suit according to the principles of law and equity.

And if there be no money in the State Treasury which can be used for the payment of said warrant, the Comptroller is hereby directed, authorized and required, to immediately make payment in the same manner as hereinbefore provided by the first section of this Act.

Duty of Attorney for State.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Attorney-general of the State, and of such other council as has been or may be employed by the Comptroller in the above stated suit, to prosecute the same to a final decree as aforesaid. And if the final issue of said suit shall be against the State, and there shall be a decree against the State for the payment of the costs, the Comptroller is hereby authorized and directed to issue his warrant upon the Treasurer of the State for the amount of such costs, to be paid out of any money in the public Treasury not otherwise appropriated.

Costs.

Suit to have precedence.

SEC. 6. *Be it further enacted*, That the said suit in the Chancery Court shall, when ready for hearing, have precedence as to trial over all other suits on the docket of said court; and if the same shall go, by appeal or writ of error of either party, to the Supreme Court, the same shall have like precedence there so as to secure the earliest final decision which can be had of said contest.

Refusal to accept, etc.

SEC. 7. *Be it further enacted*, That, in the event the said Ward & Briggs shall decline or refuse to accept the terms of this Act and to surrender to the authorities of the State the possession of the Penitentiary property, and everything connected therewith, that belongs to the State, then the Attorney-general of the State, in connection with the legal counsel already employed to prosecute the Chancery proceedings aforesaid, shall at once proceed to institute and prosecute such other and further legal proceedings as may be necessary and proper to place the State of Tennessee in full possession of said Penitentiary property and its appurtenances, at the earliest moment practicable.

SEC. 8. *Be it further enacted*, That if the State under the provisions of this Act does not obtain the actual and absolute possession of said property, then the Attorney-general of the State, in connection with the legal counsel already employed, shall, if possible, obtain from the courts the appointment of a Receiver to take charge of, manage and control said Penitentiary and property until the litigation between the State and said lessees is settled. Receiver.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 18, 1869.

## CHAPTER XLI.

### AN ACT to Amend the Criminal Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Grand Juries shall have the right and power to send for and examine witnesses in all cases, where they suspect a violation of the laws of this State, prohibiting the carrying of arms; or in regard to lewdness, or in the selling, or giving, or delivering of liquors, or weapons, to minors, as provided under sections 4862, 4863 and 4864, of the Code of Tennessee. Power of Grand Juries.

SEC. 2. *Be it further enacted*, That it shall be a misdemeanor for any person, whether publicly or privately, to carry a dirk, sword cane, spanish stiletto, belt or pocket pistol, except a knife conspicuously on the strap of a shot pouch, or on a journey to a place out of his county or State. Deadly weapons.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 6, 1870.

Ad valorem  
tax, etc.

SEC. 2. *Be it further enacted*, That hereafter, merchants shall pay an *ad valorem* tax upon the capital invested in their business, equal to that levied on all taxable property; and the term "merchant," as used in this Act, indicates all persons or copartnerships engaged in trading or dealing in any kind of goods, wares and merchandise, either on land or at any steamboat, wharf-boat or other craft, stationed or plying in the waters of this State: and whether such goods, wares and merchandize be kept on hand for sale, or the same be purchased and delivered for profit as ordered. But nothing in this Act contained, shall in anywise affect the collection of privilege taxes upon the avocations declared by section 550 of the Code, to be privileges, except the business of selling merchandise upon commission.

Failure to  
obtain license.

SEC. 3. *Be it further enacted*, That no merchant shall commence or continue business, in any county of this State, without obtaining a license from the Clerk of such county, in accordance with the provisions of this Act; and every person or individual member of a copartnership so offending, shall be subject to prosecution for each days' violation of this law; and on conviction, shall be fined not less than one hundred dollars for each offense.

Bond.

SEC. 4. *Be it further enacted*, That every merchant applying for a license, shall, before receiving the same, execute a bond to the State, with good security, to be approved by the Clerk of the County Court, in the sum of one thousand dollars, conditioned that such merchant will render to the clerk issuing the license, at the end of twelve months from the date of the bond, a true statement under oath, of the amount of capital invested in such business during said twelve months, and will pay to the clerk the tax thereon. For taking the bond and issuing the license, the clerk shall be entitled to one dollar, to be paid at the time of issuance.

Special tax.

SEC. 5. *Be it further enacted*, That, in addition to the *ad valorem* tax, all merchants as defined in section 2 of this Act, shall also pay to the County Clerk the following license tax: Those reporting less than \$5,000 of capital, shall pay \$10; those reporting a greater amount of capital than \$5,000, shall pay on each \$10,000 of capital so reported, or fraction thereof, \$20.

Report.

SEC. 6. *Be it further enacted*, That any merchant who has been engaged in business under existing laws, shall make his report to the County Clerk, and pay the tax that has accrued since his last report, before receiving a license under the provisions of this Act.

SEC. 7. *Be it further enacted*, That each merchant continuing in business, shall renew his license annually; <sup>Annual license</sup> and no license shall authorize merchandising out of the county where issued, nor for a longer period than one year.

SEC. 8. *Be it further enacted*, That at the expiration of twelve months from the date of his bond, each merchant shall file with the county clerk by whom the license was issued, a statement under oath, showing: <sup>Statement.</sup>

1st. All capital invested in a stock of goods, wares and merchandise, not otherwise reported as hereinafter required, to be estimated at not less than the cash value of <sup>Same.</sup> the largest amount of such goods, wares and merchandise on hand at any one time during the preceding twelve months, whether owned by such merchant, or consigned to him for sale on commission.

2d. All capital employed during the preceding twelve months, in any manner of trading, whereby no stock of goods, wares and merchandise is kept on hand for sale, unless such business is otherwise taxed as a privilege; and the aggregate capital so reported, shall be deemed the taxable capital of such merchant, upon which he shall pay to <sup>Same.</sup> the clerk the same tax as levied upon real estate and other taxable property for State and county purposes; and the report herein required may be sworn to by either member of any copartnership or mercantile firm. That the word capital, as used in this Act, shall be so construed as to mean the value of the largest amount of stock on hand at any one time in the year, where it is offered for sale.

SEC. 9. *Be it further enacted*, That the bond hereinbefore required shall be forfeited by a failure to render the statement under oath, as therein required, or by rendering <sup>Forfeiture of</sup> a false statement, or by failing to pay the taxes assessed at <sup>bond.</sup> the time, and in the manner required by law; and it shall be the duty of the county clerk to report all delinquents to the Attorney-general of the circuit, whose duty it shall be to bring suit in the proper court, upon any forfeited bond, to recover the penalty thereof.

SEC. 10. *Be it further enacted*, That sections 678, 679, <sup>Repealed.</sup> 680, 681 and 682, of the Code, and all laws and parts of laws, in conflict with the provisions of this Act, be, and the same are hereby repealed.

SEC. 11. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
Speaker of the House of Representatives.  
D. B. THOMAS,  
Speaker of the Senate.

Passed January 18, 1870.

## CHAPTER XLVI.

AN ACT Instructing the Attorney-general of the State, to Dismiss Certain Suits instituted in the name of the State of Tennessee against the citizens of the State.

Suits in favor  
of Bank of  
Tennessee to  
be dismissed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Attorney-general of the State is hereby directed to dismiss any and all suits, pending in any of the Courts of this State, in the name of the State of Tennessee, as sole stockholder of the Bank of Tennessee, against any President, Cashier or Director of the Bank of Tennessee, or either of its branches, or against the sureties of such President or Cashier, or against any member of the General Assembly of Tennessee, or against any of the citizens of said State, seeking to hold them responsible for alleged losses to said Bank of Tennessee, caused by the removal of the assets of said Bank of Tennessee and its branches, from the places of business at which they were by law located, during the late civil war, and whilst the places of business of said bank and its branches were in the occupancy of the Confederate military authorities, and when the recovery is sought on that ground, and because of their approving of said removal, and when a recovery is sought of said officers because of their receiving payment of the debts due said bank in Confederate Treasury notes whilst within the lines of the Confederate army.

Except for  
malfeas-  
ance, etc.

SEC. 2. *Be it further enacted,* That the provisions of this Act shall not apply to any suit or suits instituted in the name of the State of Tennessee, for the recovery of any loss sustained by the State for any malfeasance or misfeasance in office of any President or Cashier of said Bank or either of its branches, in violation of the conditions of their respective bonds, other than such as are mentioned in the first section, as having been caused by their participation in the late civil war, and receiving Confederate Treasury notes, and approving of the removal of its assets.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 20, 1870.



## CHAPTER XLVII.

## AN ACT For the Payment of the State Debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act entitled "An Act to liquidate the State debt contracted in aid of railroad companies in the State of Tennessee," passed February 25, 1869, be and the same is hereby amended so as to allow any railroad company which may be indebted to the State by reason of the bonds of the State loaned to said railroad company, to pay into the State, in liquidation of the principal of said indebtedness, any of the legally issued six per cent. bonds of the State of Tennessee outstanding, without regard to series or number; and such payment shall, to the extent made, be a full and perfect discharge of the lien which the State holds upon the property of such railroad company, held by virtue of the bonds of the State issued to such railroad company, whether they be the same bonds or the same series of bonds issued to said company under the Act passed February 11, 1852, and Acts amendatory thereof, or not.

Railroads  
may pay to  
State its 6 per  
cent. bonds.

SEC. 2. *Be it further enacted*, That railroad companies issuing their own mortgage bonds under the provisions of the Act which this is intended to amend, be allowed to fix the rate of interest which the said bonds of the railroad company are to bear; and all laws in conflict are hereby repealed: *Provided*, that when said railroad companies owe interest already due, coupons past due shall be taken by the Comptroller or Treasurer in discharge of such indebtedness for interest.

Rate of inter-  
est.

SEC. 3. *Be it further enacted*, That when any company under the provisions of this Act shall pay into the Treasury of the State bonds which have been issued by the State to said company, the said bonds shall be cancelled; but should any company, in discharge of its own debts, pay into the Treasury any bonds that were issued to other companies, that may still be indebted to the State, such bonds so paid in shall not be cancelled, but shall be held by the State as purchased bonds, retaining a lien for the State upon the road to which said bonds were originally issued until the debt of said road to the State shall be fully discharged, when the bonds so held shall be cancelled; *Provided*, that the provisions of this Act shall not be so construed as to allow the payment and satisfaction of debts

Cancellation  
of bonds.

Proviso.

Proviso.

created by bonds issued by the State, and upon which the State is secondarily liable, nor to the payment of the sinking fund, now required by law of the railroad companies of this State.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed January 20, 1870.

## CHAPTER XLVIII.

AN Act to Change the County Line Between the Counties of Smith and Putnam, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Smith and Putnam, be so changed as to include the residence and lands of Thomas Watts, in Smith County.

White and  
DeKalb.

SEC. 2. *Be it further enacted*, That the line between the counties of White and DeKalb, be so changed as to include the residence and lands of George W. Hutchings and John Edwards, in the county of White.

Knox and  
Grainger.

SEC. 3. *Be it further enacted* That the line between the counties of Knox and Grainger, be so changed as to include all the lands of James McBee, in the County of Grainger.

Roane and  
McMinn.

SEC. 4. *Be it further enacted*, That the line between the counties of Roane and McMinn, be so changed as to include all the lands of J. D. Turner, in the County of Roane.

Jefferson and  
Grainger.

SEC. 5. *Be it further enacted*, That the line between the counties of Jefferson and Grainger, be so changed as to include all of the farm known as the Dr. Cassin's farm, now the property of John C. Tate, in the County of Jefferson.

SEC. 6. *Be it further enacted*, That the line between the counties of Jefferson and Grainger, be so changed as <sup>Same.</sup> to include the farm known as the Mastin Moore Farm, now the property of D. W. C. Senter, in the County of Grainger.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 21, 1870.

## CHAPTER XLIX.

AN ACT to Repeal all Laws Establishing Boards of County Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed March 12th, 1869, entitled "An Act to create a Board of County Commissioners in the County of Madison," and all other Acts <sup>Madison, etc.</sup> establishing County Commissioners in this State, be, and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws, which were repealed by any Act or Acts, establishing County Commissioners, are hereby revived and re- <sup>Laws revived</sup> enacted, and put in full force from and after the passage of this Act.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 27, 1870.

## CHAPTER L.

## AN ACT to Repeal all Laws and Parts of Laws Imposing Penalties and Increased Taxation for the Non-Payment of Taxes.

Preamble. WHEREAS, The Acts passed by the late Legislature imposing penalties by way of increased taxation and forfeitures by way of sale of property to pay the penalties for the non-payment of taxes are oppressive to the people of the State; Therefore,

Acts repealed. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all Acts and parts of Acts imposing penalties and increased taxation for the non-payment of taxes, be and the same are hereby repealed.

Same. SEC. 2. *Be it further enacted,* That all Acts and parts of Acts, passed since the adoption of the Code, providing for the sale of property for non-payment of taxes, and its redemption, are hereby repealed; and that the provisions of the Code relating thereto are hereby re-enacted and declared to be in full force.

Penalties remitted. SEC. 3. *Be it further enacted,* That all penalties heretofore accrued and not yet paid on real estate, sold to the Treasurer or Superintendent of Public Instruction for the use of common schools for State and county taxes, be and the same are hereby remitted, and the owners of real estate which has been so sold for State and county taxes of 1855, 1866, 1867 and 1868, shall have the privilege from and during twelve months from the passage of this Act, to redeem the same by paying to the Clerk of the Circuit Court of the county wherein the land lies, the amount and costs for which the same was sold, with six per cent. interest thereon from the date of sale; and the proceeds of such redemption shall be by said clerk paid over quarterly to the Treasurer and County Trustee, according to the original assessments of said taxes.

May redeem.

SEC. 4. *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 13th, 1869.

## CHAPTER LI.

AN ACT Defining the Duties of Revenue Collectors for Obion County, and for other Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Revenue Collector of Obion county shall, in all his reports for non-payment of taxes in said county, make the same to the Clerk of the Circuit Court at Troy, as heretofore done. Reports.

SEC. 2. *Be it further enacted*, That the above section shall apply to Gibson county, and the Collector will make his report to the Circuit Court at Trenton, as heretofore. Gibson co.

SEC. 3. *Be it further enacted*, That the Registrar of Shelby county be and is hereby the lawful officer to hold the municipal election in the City of Memphis on the 6th day of January, 1870, and that the sheriff of said county be the proper officer to hold elections thereafter. Registrar of Shelby co.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 16th, 1869.

## CHAPTER LII.

AN ACT to Change the time of holding the Chancery Court in the Town of Winchester, in the County of Franklin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Courts for the County of Franklin shall hereafter be held as follows: Commencing on the fourth Mondays in January and June.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 27, 1870.

## CHAPTER LIII.

AN ACT to Amend An Act passed December 18, 1869, entitled  
 "An Act to amend the Criminal Laws of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act entitled "An Act to amend the Criminal Laws of this State," passed December 18, 1869, be, and the same is hereby amended by striking out all of section 8, after the enacting clause, and insert, "This Act shall take effect after the first day of March, 1870."

SEC. 2. *Be it further enacted*, That in all cases throughout the State, where prosecutions have been commenced for violation of this Act, that the Attorneys-general throughout the State, shall be, and they are hereby directed, to dismiss said suits at the cost of the State.

SEC. 3. *Be it further enacted*, That all persons convicted under the fourth section of the Act of which this is amendatory, shall be punished by fine of not less than twenty-five dollars, nor more than one hundred, or by imprisonment in the County Jail at the discretion of the Court.

SEC 4. *Be it further enacted*, That the word "day," in the Act which this one is intended to amend, shall mean the time from sunrise to sunset.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 29, 1870.

Section eight  
 abolished.

should be  
 Dec 1<sup>st</sup>  
 123-4

Suits dismissed.

Penalty.

Day.

## CHAPTER LIV.

## An Act to Preserve the Public Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, if any person or persons, masked or in disguise, shall prowl, or travel, or ride, or walk through the country or towns of this State, to the disturbance of the peace or to the alarming of the citizens of any portion of this State, on conviction thereof shall be fined **Masqueraders** not less than one hundred dollars nor more than five hundred dollars, and imprisoned in the county jail of the county wherein convicted at the discretion of the jury trying the case.

SEC. 2. *Be it further enacted*, That if any person or persons, disguised or in mask, by day or by night, shall enter upon the premises of another or demand entrance or admission into the house or enclosure of any citizen of this State, it shall be considered *prima facie*, that his or their intention is to commit a felony, and such demand **Felony** shall be deemed an assault with an intent to commit a felony; and the person or persons so offending, shall, upon conviction, be punished by imprisonment in the Penitentiary not less than ten years nor more than twenty years.

SEC. 3. *Be it further enacted*, That, if any person or persons, so prowling, traveling, riding or walking through **Murder** the towns or country of this State, masked or in disguise, shall, or may assault another with a deadly weapon, he, or they, shall be deemed guilty of an assault with intent to commit murder in the first degree, and, on conviction thereof, shall suffer death by hanging: *Provided*, the jury trying the cause may substitute imprisonment in the Penitentiary for a period of not less than ten years nor more than twenty-one years.

SEC. 4. *Be it further enacted*, That it shall be the duty of the several Judges of the Circuit and Criminal Courts **Charge to** of this State to give this Act in charge to the Grand Juries **Grand Juries** at each term of said Court.

SEC. 5. *Be it further enacted*, That the Grand Juries of this State shall have full power to compel the attendance of witnesses whenever they or any one of their body **Witnesses** may suspect a violation of any of the provisions of this Act.

SEC. 6. *Be it further enacted*, That the Governor of the State is hereby authorized to offer a reward of \$250 for **Rewards**.

the apprehension and delivery to the Sheriff or Jailer of any county in this State any person who may be guilty of a violation of the second or third sections of this Act.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed January 30, 1870.

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## CHAPTER LV.

AN ACT to Repeal An Act for the Protection of Sheriffs and Constables

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act entitled "An Act for the Protection of Sheriffs and Constables," passed February 16, 1869, be, and the same is hereby repealed.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed January 31, 1870.



## CHAPTER LVI.

AN ACT Directory to the Revenue Officers of the State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That notes of the Bank of Tennessee, issued prior to the 6th day of May, 1861, United States legal-tender currency, National Bank Notes, specie and warrants issued by the Comptroller in the hands of the person to whom issued, shall be received in discharge of all taxes, and other moneys heretofore or hereafter due the State; *Provided*, That notes of the Bank of Tennessee, issued prior to the 6th day of May, 1861, which have already been collected in good faith from the tax-payer, by any collecting officer, be receivable by the Comptroller and Treasurer, on settlement for such taxes due the State. What kinds of money receivable.

SEC. 2. *Be it further enacted*, That the Fourth National Bank at Nashville, shall be the Designated Depository at Nashville, and the People's Bank at Knoxville, and the Union and Planters' Bank at Memphis, and the First National Bank at Chattanooga, shall be designated depositories of the State; and such banks, as depositories, shall give bond according to law, for the safe keeping of the revenue of the State, deposited with each of them. That the banks designated as depositories of the public moneys belonging to the State, shall be required to receive from the Clerks and Tax-collectors, the notes of the Bank of Tennessee, issued prior to the 6th day of May, 1861, on special deposit; *Provided*, That said Clerk or Tax-collector shall first file with the cashier of the bank an oath, in duplicate, taken and subscribed before some person authorized by law to administer oaths in this State, and duly certified, that the identical kind and amount of the notes of the Bank of Tennessee, so offered for deposit, were received by him directly from the tax-payers, in the payment of taxes or other moneys due the State. Said oath shall state the specific amount offered on special deposit. One of said oaths the cashier of the bank designated as a depository, shall forward immediately to the Comptroller of the Treasury, and shall file the other with the bank. The cashier aforesaid shall execute and deliver to the Clerk or Tax-collector, duplicate receipts for the amount of said notes of the Bank of Tennessee thus de- State Depositories.  
Bank of Tenn. notes.  
Oath.  
Receipts.

posited; one of which receipts the Clerk or Tax-collector shall deliver or transmit to the Comptroller, to be filed by him, and shall retain the other; and thereupon the Comptroller shall issue his warrant to the State Treasurer, authorizing him to charge such depository with the amount and kind of public money so deposited; and the bank in which said money is deposited, shall, at least once a month, send by express, or other safe means, to the State Treasurer at Nashville, all the public money paid in on special deposit, as provided for in this Act; and the Treasurer, on receiving the money, shall receipt the bank for the same, and shall then place it as a special deposit in the bank designated as a public depository at Nashville, to the credit of the Treasurer of the State of Tennessee, and shall be drawn only by the check of the Treasurer, countersigned by the Comptroller.

Receipts.

Treasurer.

False swearing

SEC. 3. *Be it further enacted*, That, if any Clerk or Collector shall swear falsely in making the oath or oaths required by this Act, it shall be perjury; and upon conviction thereof he shall be punished as now provided by law in cases of perjury; and it shall be the duty of the Judges of the courts in this State in which a grand jury is impaneled, to give this Act in charge to such grand jury.

Speculating  
in public  
moneys.

SEC. 4. *Be it further enacted*, That if any Clerk, Tax-collector, or Comptroller, or Treasurer, charged with collecting, receiving or paying out the revenues of the State, shall directly or indirectly engage in speculating in the said notes of the Bank of Tennessee, specie, United States legal tender notes, National Bank notes, or warrants issued by the Comptroller, collected or received by them or either of them as revenue of the State, or shall pledge, loan, hypothecate or otherwise convert or dispose of such revenue, or any part thereof, without authority of law, he or they so offending, shall be guilty of a felony; and upon conviction thereof, shall be punished by imprisonment in the penitentiary of this State, for a period of time not less than three nor more than ten years.

How paid  
over.

SEC. 5. *Be it further enacted*, That all revenue due the State, except the notes of the Bank of Tennessee, received or hereafter received in payment of taxes, shall be paid over by clerks or Tax-collectors as provided for by laws prior to the passage of this Act.

Refusal of  
Depositories

SEC. 6. *Be it further enacted*, That, should either of the present depositories, refuse to receive and take care of the notes of the Bank of Tennessee, as herein contemplated, then the Governor, Comptroller and Treasurer, shall select some other bank as a depository in that city,

which will so receive said funds; and hereafter all State funds for that section of the State, shall be placed in such new depository, upon bond being given as required by law.

SEC. 7. *Be it further enacted*, That the provisions of the second, third, fourth, fifth and sixth sections of this Act, shall apply to any tax or revenues hereafter assessed and due and collected.

SEC. 8. *Be it further enacted*, That the Treasurer of this State, shall pay out to all persons on the warrant of Treasurer and the Comptroller said notes of the Bank of Tennessee, on Comptroller's condition that such persons are willing to receive them at duties, etc. par, in payment of debts from the State due them; *Provided, however*, that one fourth of the amount of said notes of the Bank of Tennessee received annually into the Treasury, shall be canceled by the Treasurer in presence of the Governor and Comptroller, who shall keep a record of the number, denomination and amount of the notes so canceled; and the State of Tennessee shall be substituted to all the rights of the note holders as to the notes hereby canceled, as secure them by the 30th section of the Act passed February 6, 1860, entitled "An Act to regulate the business of banking in this State." Notes canceled.

SEC. 9. *Be it further enacted*, That all laws or parts of laws in conflict with this Act, are hereby repealed; and that this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 2, 1870.

## CHAPTER VII.

## AN ACT to Regulate the Appointment of State Directors in Railroad Companies.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all laws and parts of laws authorizing the Governor of the State to appoint State Directors in railroad companies having received State aid, be and the same are hereby repealed.

Repealed.

**SEC. 2.** *Be it further enacted,* That hereafter the Governor of the State, by and with the advice and consent of the Senate, shall appoint, on the part of the State, in and for each railroad company that has received aid from the State in the construction of its road, a number of discreet men as Directors, who shall correspond in number with the amount of said aid, and shall bear the same proportion to such aid that the Directors of the company may bear to the interest of the stockholders; *Provided,* That the number of State Directors shall, in no case, exceed the number of Company Directors, nor in any instance be less than two; *and, provided further,* That said appointments shall be made so as to give each county as nearly as practicable along the line of such railroad an equal and just representation in such Board of Directors. The said Directors shall hold their offices for two years after confirmation and qualification; and the Directors so appointed when confirmed, shall immediately enter upon the discharge of their duties. That the Agent provided for in section second of An Act passed December 9, 1869, entitled An Act to accept, confirm, ratify and make obligatory the lease of the Nashville and Northwestern Railroad to the Nashville and Chattanooga Railroad Company, shall not be appointed until the Directors provided for in this Act shall be appointed and confirmed, and a majority of them present at such meeting of said Directors.

Governor and Senate to appoint Directors

Proviso.

Same.

**SEC. 3.** *Be it further enacted,* That when any railroad shall have liquidated its indebtedness to the State, the Governor shall not appoint Directors on the part of the State for said railroad; and the duties of said officers at the time such indebtedness is liquidated, shall cease.

When not to appoint.

**SEC. 4.** *Be it further enacted,* That no person shall be eligible to serve as State Director on more than one road at the same time.

SEC. 5. *Be it further enacted*, That it shall be the duty of said Directors to attend the meetings of their respective Boards, and watch over and protect the interest of the State as far as practicable, in said railroads. Duties of Directors.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Governor to make such nominations immediately after the passage of this Act.

SEC. 7. *Be it further enacted*, That the Governor shall not appoint exceeding two Directors for the State, for any railroad which has paid its interest upon bonds loaned to or indorsed for such road. Number to be appointed,

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 4, 1870.

## CHAPTER LVIII.

AN ACT to Repeal the Salaries paid to the Officers of the Bank of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no salaries shall be paid to the President, Cashier, or other officers of the Bank of Tennessee, from and after the passage of this Act: *Provided*, Samuel Watson, as Trustee of the Bank of Tennessee, shall not be allowed for his services as such Trustee, by the Chancery Court at Nashville, an amount exceeding the sum of twenty-five hundred dollars; *and, provided further*, the amount shall be paid out of the assets of said bank, and shall not be a charge on the Treasury of the State: *Provided*, that nothing in this or any Act heretofore passed, shall be so construed as to authorize the said Provisos.

Samuel Watson, as trustee, to sell any of the real estate belonging to the Bank of Tennessee; and that this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem. of the Senate.*

Passed February 5, 1870.

## CHAPTER LIX.

### AN ACT for the Management of the Penitentiary.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Penitentiary of this State shall be managed, controlled and governed as provided in the Code of Tennessee, under the title of the Penitentiary, from section 5436 to 5559 inclusive; and all laws passed subsequent to its adoption, are hereby repealed, particularly chapter 34, of the Acts of 1865-6, entitled "An Act to lease the Penitentiary, and for other purposes," passed May 12, 1866; *Provided,* that section 5437 of the Code of Tennessee be amended by striking out the words "Auditing Clerk;" and section 5442 be amended by striking out the words "and one hundred dollars for the board of each assistant keeper;" and section 5448 be amended by striking out the words "eight hundred dollars," and inserting the words "six hundred dollars;" and section 5449 be amended by striking out "three hundred dollars," and inserting "five hundred dollars;" and that section 5489, entire, be stricken out, and is hereby repealed.

**SEC. 2.** *Be it further enacted,* That the Governor shall immediately nominate to the Senate "three Inspectors," one of whom shall be a skilled mechanic, well informed in the management of machinery and in the control of manufactories. Said Inspectors shall be residents of the County of Davidson.

**SEC. 3.** *Be it further enacted,* That there shall be elected by the Inspectors a Superintendent of the Mechanical Department, who shall receive as compensation, the sum of eighteen hundred dollars per annum. They shall also

elect a Chaplain, whose salary shall be three hundred dollars per annum.

SEC. 4. *Be it further enacted*, That the Inspectors aforesaid, shall, immediately after qualification, take possession of the Penitentiary, with all its appurtenances, and have the same operated for the benefit of the State, taking care to so manage the labor as to bring it as little as possible in conflict with private manufactories in the State.

Duty of Inspectors.

SEC. 5. *Be it further enacted*, That whenever there shall be a larger number of convicts than can be profitably employed within the prison walls, the Inspectors are authorized, and it shall be their duty to put such numbers of said surplus convicts at work, as can be advantageously employed, upon the Capitol grounds under the supervision of a competent engineer, who may be appointed by the Governor, at a salary not to exceed one hundred dollars per month; *provided* that said work shall be prosecuted according to the original plan for the improvement and embellishment of the Capitol grounds.

Convicts to work on Capitol Grounds.

SEC. 6. *Be it further enacted*, That whenever there shall be a larger number of convicts than can be profitably employed at the Penitentiary and upon the Capitol grounds, said Inspectors may hire or lease out, for limited periods, subject to the pardoning power, the labor of such surplus to private individuals or corporations, to be worked either within or without the prison walls, taking care to provide in the contract for the security and humane treatment of the convicts, and requiring bond, with approved security, for a faithful compliance on the part of the lessee or lessees; *provided*, no such contract shall be made, unless the price agreed upon shall be sufficient to feed, clothe and defray all other personal expenses of said convicts, as also their just and equal proportion of the general expenses of the State prison; and, *provided further*, that the Inspectors shall reserve the right to declare, at any time, the contract forfeited, and at an end, for any violation of the same by the bailee or lessee; and, *provided further*, that pending any litigation between the State and lessee, the State shall be entitled to the management and control of said convicts—any injunction to the contrary notwithstanding; and, *provided further*, that said lessee or lessees, shall be liable for the value of the services of each convict hired to him or them, for the full term of said convict's sentence, if said convict shall escape while actually at work for said lessee or lessees through the negligence or connivance of said lessee or lessees; and, *provided further*, that no convict shall be leased or hired to be worked out-

Inspectors may hire out Convicts.

Provides.

Liability for escapes.

Not to be  
hired.

side the prison walls, except by and with their consent first had and obtained in writing; and, *provided further*, that no convict under sentence now, or that may be hereafter sentenced for the crimes of murder, arson, robbery or rape, shall be leased or hired to work outside the prison bounds of the Penitentiary.

Supt's Duty.

SEC. 7. *Be it further enacted*, That the Superintendent of said prison be required to keep a correct register of the conduct of each convict, to be termed "the good time account," in which he shall faithfully record the exact conduct of each convict, and each convict who shall demean himself uprightly shall have deducted from the time for which he may have been sentenced, one month for the first year, two months for the second year, three months for the third year, and three months for each subsequent year, to the tenth year inclusive, and four months for each remaining year of the time of imprisonment; *Provided*, That the reduction of time herein provided for is upon the consideration of continued good conduct.

May store on  
commission.

SEC. 8. *Be it further enacted*, That said Inspectors may, if deemed necessary or proper to facilitate the sale of such articles as are manufactured at the Penitentiary, contract with one or more responsible merchants in the city of Nashville or elsewhere in the State, for receiving, storing and selling such articles for a reasonable commission, which shall not exceed five *per centum* on the amount of sales. Said contract shall also provide for the insurance of the goods, and shall contain such other provisions as may be deemed necessary for the security of the property and the interest of the State. A bond with good security, shall be required of such merchant or merchants, payable to the State of Tennessee, and conditioned for a faithful performance of the contract in each and every particular; and the proceeds of the sales of all goods when received, shall be appropriated, as provided in the Code of Tennessee, to the purchase of materials and to the support of the Penitentiary, and any excess of receipts over expenditures shall be paid into the Treasury of the State.

Bond, etc.

Failure to be  
self-sustain'g

SEC. 9. *Be it further enacted*, That whenever said inspectors shall ascertain from actual experiment and fair trial, that the Penitentiary can not be managed, controlled and operated according to the foregoing provisions of this Act, so as to be self-sustaining and no longer a burden upon the treasury, they shall be clothed with authority and discretion to lease out or employ by hire, the labor of all the convicts that may then be, or that may thereafter be confined in said prison; they may hire out all or part



of said labor to one man or company, or may lease out the power and labor to one man or company, or may lease out each separate shop or occupation to different lessees, agreeing to furnish them the power necessary to run each shop, with full authority on the part of the lessee or lessees to occupy the shop or shops in said prison, for the purpose of carrying out, in good faith, whatever contract of lease said Inspectors may make; said lease or leases, shall be conditioned that the lessee or lessees shall treat the convicts with humanity, conforming to such rules, by-laws and regulations as may be established by the Inspectors, and work them not exceeding ten hours each day; and that said lessee or lessees shall have no claim for damages against the State, because of the exercise of the pardoning power by the Governor, nor because of fire or escape of convicts, or other unavoidable accident; and that said lessee or lessees shall give bond with approved security, that he or they will faithfully pay into the State Treasury, quarterly, the price per day agreed upon for said labor; and that the amount so bid and received shall not be less than a sum sufficient to sustain the Penitentiary and make it independent of appropriations from the State Treasury.

Lessees' liability, bond, etc.

SEC. 10. *Be it further enacted*, That in the lease or leases so made and entered into, the Inspectors shall reserve the power that, if the lessee or lessees, or either of them shall, at any time, willfully fail, refuse or neglect to perform any of the duties or obligations required of him or them, under his or their said lease, the Inspectors may declare said lease at an end, and release the labor or shops as if no previous lease had been made.

Failure of Lessees.

SEC. 11. *Be it further enacted*, That the Inspectors may make said lease or leases, either publicly or privately, and may hire out the labor of the convicts, either publicly or privately, being restricted only in one thing, that is the security of the convicts, and that by the proceeds of their labor the Penitentiary shall be made self-sustaining.

Public or private

SEC. 12. *Be it further enacted*, That the police management and control of the steam power located in said Penitentiary when leased, shall be under the control of the Inspectors as fully as if no lease or leases were made.

Police.

SEC. 13. *Be it further enacted*, That if after nominations as provided for in Section 2 of this Act, and made to the Senate by the Governor, the same are after three efforts, not confirmed, then the Inspectors of the Penitentiary shall be elected by joint ballot of the two Houses of this and subsequent General Assemblies of the State of Tennessee,

Selection of Inspectors.

any vacancy during a recess of the General Assembly being filled by appointment of the Governor.

SEC. 14. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 5, 1870.

## CHAPTER LX.

AN ACT to Change the Time of Holding the Chancery Court for Polk County, at Benton, Tennessee, and for other Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Court at Benton, Polk county, Tennessee, shall hereafter be holden on the third Mondays of June and December, in each year, instead of the third Mondays in January and July, as now provided by law.

June and December.

SEC. 2. *Be it further enacted*, That the county of Van Buren be detached from the Fifth Judicial Circuit and attached to the Eighth Judicial Circuit; and that the county of Scott be detached from the Fifth Judicial Circuit and attached to the Second Judicial Circuit; and that the county of Morgan be detached from the Fifth Judicial Circuit and attached to the Third Judicial Circuit.

Van Buren and Morgan counties.

SEC. 3. *Be it further enacted*, That the Chancery Court for the county of Cannon shall hereafter be held on the third Mondays in May and November, in each year; and that all process now returnable to the February term of said court, 1870, shall stand, and be returnable at the May term of said court, 1870, together with all answers, writs, rules, orders, etc.

Cannon co. Court, changed.

SEC. 4. *Be it further enacted*, That all suits now pending in the Chancery Court in the county of Roane, in which all the parties litigant live in the county of Morgan,

Suits in Chancery in Roane.

shall be, with all papers pertaining thereto, removed to the county of Morgan.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 7, 1870.

## CHAPTER LXI.

AN ACT to Repeal An Act passed February 13th, 1868, entitled  
"An Act to amend the Code of Tennessee."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections one and two of An Act passed February 13th, 1868, entitled "An Act to amend the Code of Tennessee," be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 7, 1870.

## CHAPTER LXII.

An Act to Change the Time of Election of County Officers.

SECTION 1. *Be it enacted by General Assembly of the State of Tennessee*, That section 825 of the Code of Tennessee be so altered and amended, that the elections for clerks of County and Circuit Courts, Registers, Justices of the Peace, Sheriffs, Trustees, Collectors of Taxes, Constables, and other county officers, which are now required by law to be holden on the first Saturday in March, 1870, be hereafter held on the fourth Saturday in March, 1870. In all other respects said elections shall be held in the mode and manner, and at the places and by the persons now fixed and designated by law. This Act shall be in force from and after its passage, until the first day of April, 1870, and no longer; after which time said section 825 of the Code, shall be and remain in full force and effect, as if this Act had never been passed.

SEC. 2. *Be it further enacted*, That An Act, previously passed by this General Assembly, giving the citizens of Morgan county the right to vote upon the removal of their Court House on "the first Saturday in March next," be so amended as to read, "the fourth Saturday in March next."

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem. of the Senate.*

Passed February 11th, 1870.

## CHAPTER LXIII.

AN ACT to Amend An Act entitled "An Act to bring on the Election of Judges, Chancellors and Attorneys-General," passed February 28d, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several County Courts of this State be, and they are hereby directed, to require the

Commissioners of Registration of the several counties of this State to immediately give notice, as now required by law, and to open and hold elections on the fourth Saturday of March, 1870, for the purpose of choosing Justices of the Peace, by the voters in the various civil districts in which the Justices of the Peace now hold their offices by virtue of appointment by the Governor. Election for Justices of the Peace.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed; and that this Act take effect from and after its passage. Repealed.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 14th, 1870.

## CHAPTER LXIV.

AN ACT to Amend the Law Concerning Forcible Entry and Detainer.

SECTION 1. *Be enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, that whenever a judgment shall be rendered for the plaintiff in any action of forcible entry and detainer, or of forcible detainer, now pending, or that may hereafter be brought before three Justices of the Peace of this State, having jurisdiction to try the same, and writ of possession or restitution awarded, that the same shall be executed, and the plaintiff immediately restored to the possession: *Provided*, that if the defendant or defendants should pray an appeal from said judgment, said plaintiff or plaintiffs shall execute bond with good and sufficient security in double the value of one year's rent of the premises, conditioned that he or they will pay all costs and damages which Execution of Judgments.

may occur from his wrongfully enforcing said writ, and that he or they will abide by and perform whatever judgment might be rendered by the appellant writ in the final hearing of the cause.

Removal to  
Circuit  
Court.

SEC. 2. *Be it further enacted*, That the proceedings in cases aforesaid, may, within thirty days after the rendition of judgment, be removed to the Circuit Court by petition for writs of *certiorari* and *supersedeas*; and it shall be the duty of the Judge, if merits are sufficiently set forth, to grant said writs, and to require bond and security from the applicant sufficient to cover all costs and damages; and if the defendant below be the applicant, then the bond and security shall be of sufficient amount to cover, besides costs and damages, the value of the rent of the premises during the litigation.

Leases of land

SEC. 3. *Be it further enacted*, That any person granting a lease of lands, tenements and hereditaments, may take from the tenant a bond covenanting to deliver possession of the rented premises on the day specified therein as the end of the term of the lease, and further authorizing the party from whom the premises are rented, or any other person whose name may be mentioned as attorney, in case possession of the premises is not given up and delivered in conformity with the provisions of said lease, to appear on any day of the term of any court having jurisdiction in such cases—the term of said court to be expressly named, and the premises to be sufficiently described in said bond—and then and there in the name of the party executing said bond, confess a judgment for possession of said rented premises.

Judgment for  
possession.

SEC. 4. *Be it further enacted*, That, upon presentation of said bond, and satisfactory proof of its execution, the court shall enter judgment for possession and also for costs of the proceeding in favor of the party granting said lease against said tenant thus unlawfully holding over.

Same.

SEC. 5. *Be it further enacted*, That the writ of possession shall have force and effect to dispossess any party in possession, who holds as assignee, or sub-lessee of the original tenant.

Summonses.

SEC. 6. *Be it further enacted*, That, in commencing action under the provisions of this Act, summons may be served upon any adult person or persons, male or female, found in possession of the premises; and service of said process upon the party in possession, shall be good and sufficient to enable the landlord to regain possession of his property.

SEC. 7. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed; and that this Act take effect from and after its passage. Repealed.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 9, 1870.

## CHAPTER LXV.

AN ACT to Amend An Act Passed Nov. 28, 1855, entitled "An Act to Establish a Common Law and Criminal Court west of Reel Foot Lake, in Obion County;" and also An Act passed Feb. 6, 1856, entitled "An Act to Amend An Act passed Nov. 28, 1855."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said Acts of November 28 1855, and Feb. 6, 1856, shall not be so construed as to deny to the Circuit Court of Obion County, held at Troy, concurrent jurisdiction over all crimes hereafter committed west of Reel Foot Lake, or heretofore committed west of said lake, in said county, unless the court established west of said lake has already acquired jurisdiction of the offense by presentment, indictment, or the arrest of said criminal. Jurisdiction Cir. Cor't of Obion.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 15, 1869.

## CHAPTER LXVI.

## AN ACT to Enlarge the Powers of County Courts.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That sections 837 and 838, of the Code of Tennessee, be so amended as to authorize County Courts in this State hereafter to establish more than one voting place in any civil district, whenever the public convenience shall require the same.

**SEC. 2.** *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed February 17, 1870.

## CHAPTER LXVII.

## AN ACT to Amend the Laws for the Government of Tennessee Hospital for the Insane.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That no person shall hereafter be received as a patient into the Hospital for the Insane who is not a citizen.

**SEC. 2.** *Be it further enacted,* That, under the regulations of title two, chapter one, article four, sections 1544, 1545, 1546, 1547, 1551, of the Code of Tennessee, persons alleged to be insane and so declared after due inquiry, shall be admitted to the privileges of the Hospital for the Insane, free of charge; and that all clauses in the above described sections of the Code, and all other portions of the Code and statutes now in force, in conflict with this section, be and the same are hereby repealed.



SEC. 3. *Be it further enacted*, That all the necessary expenses attendant upon the transportation from and to the hospital of indigent insane patients, shall be paid by the Count's to pay counties from which they may be sent.

SEC. 4. *Be it further enacted*, That the sum of seventy-five thousand dollars annually, for the ensuing two years, <sup>\$75,000 ap-</sup> pointed. is hereby appropriated and made subject to the order and control of the Superintendent, by and with the consent and written approval of the President of the Board of Trustees, for the support and maintenance of the institution in its current expenses, and for the necessary repairs and improvements thereto.

SEC. 5. *Be it further enacted*, That the Superintendent <sup>Sup't and</sup> and Physician shall receive a salary of three thousand <sup>Physician.</sup> dollars per annum, payable quarterly out of the State Treasury upon the warrant of the Comptroller.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this Act, are hereby repealed; and that this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 19, 1870.

## CHAPTER LXVIII.

AN ACT for the Relief of the Nashville and Decatur Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Nashville and Decatur Railroad Company be and the same is hereby authorized to suspend the payment of the sinking fund until the first of January, 1872. <sup>Sinking Fund</sup>

SEC. 2. *Be it further enacted*, That nothing in this Act shall be so construed as to compel the Nashville and N. & D. R. R. Decatur Railroad to pay the sinking fund accruing in the

Proviso. years 1870 and 1871, until the next day of maturity of said sinking fund, after January 1, 1872; *Provided*, that nothing in this Act shall be so construed as to release the road from ultimate payment of such sinking fund.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate*

Passed February 22, 1870.

## CHAPTER LXIX.

AN ACT to Amend the Usury Laws of the State, and to Establish a Conventional Rate of Interest.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be lawful to contract for any rate of interest not exceeding ten per cent. per annum, provided that the rate of interest be in writing and expressed in the face of the instrument creating the debt or obligation; and when judgment or decree shall be recovered on such written contract, it shall bear the same rate of interest as the written instrument upon which the judgment or decree is based, and shall be so expressed in the judgment or decree, and indorsed upon the execution issued thereon.

Rate, etc.

SEC. 2. *Be it further enacted*, That the rate of interest now established by law shall continue equal and uniform throughout the State as heretofore, and no greater rate of interest than six per cent. per annum shall be received on any contract or obligation, unless agreed on by the parties, and reduced to writing in the face of the contract or obligation, according to the provisions of the first section of this Act.

Equal and Uniform.

SEC. 3. *Be it further enacted*, That if any person or persons shall violate the provisions of this Act, and shall contract for a greater rate of interest than ten per cent. per annum, as herein provided, it shall be unlawful, and shall operate as a release of the debtor or debtors from all

Release of Debtor.

interest in excess of six per cent.; and if the same has been paid it may be sued for and recovered by the party paying the same, or his heirs, personal representatives or creditors.

SEC. 4. *Be it further enacted*, That a violation of the first section of this Act is declared to be usury, and upon indictment and conviction, the party or parties shall pay a fine of not less than one hundred dollars; and it shall be the duty of the Circuit and Criminal Judges to give this Act in charge to the grand jury at each term of the court. Usury.

SEC. 5. *Be it further enacted*, That this Act shall take effect from the 1st day of June, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 23, 1870.

## CHAPTER LXX.

AN ACT to Extend the Jurisdiction of the Law Court of Chattanooga.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the (5th) Fifth Civil District Fifth District in the County of Hamilton shall be, and the same is hereby, attached to, and included within, the jurisdiction of the Law Court of Chattanooga; and all laws now in force regulating the jurisdiction of said Law Court over the Fourth, Fourteenth, Seventeenth and Third Civil Districts of said County of Hamilton, shall henceforth equally apply to said Fifth Civil District.

SEC. 2. *Be it further enacted*, That section 22 of An Act passed January 28, 1869, entitled "An Act to establish a special court at Humboldt, in Gibson County," be, and Same. the same is hereby so amended as to include the said Fifth Civil District of Hamilton County, within, and subject to the provisions of the 22d section of said Act.

SEC. 3. *Be it further enacted*, That all laws or parts of laws, in conflict with this Act, be, and the same are hereby, repealed.

**SEC. 4.** *Be it further enacted,* That the Law Court of Humboldt, established by An Act entitled "An Act to establish a Special Court at Humboldt, in Gibson County," passed January 28, 1869, shall form and constitute one of the courts of the Sixteenth (16th) Judicial Circuit, and be held by the judge thereof, with common law jurisdiction, original and appellate over all cases arising at law within the local jurisdiction of said court, of a civil, commercial or criminal nature; that the Attorney-general of the said Sixteenth (16th) Circuit shall attend said court and transact the business appertaining to his office thereat.

**SEC. 5.** *Be it further enacted,* That the Thirteenth (13th) Civil District in the county of Gibson shall be, and the same is, hereby attached to and included within the jurisdiction of the special courts of law and equity as established by said Act, passed the 28th of January, 1869, establishing a special court of common law, criminal and equitable jurisdiction, at Humboldt, Gibson county; and all laws now in force regulating the jurisdiction of said special courts at Humboldt over the First (1st), Second (2d), Third (3d), Fourth (4th), Sixteenth (16th), and Twentieth (20th) Civil Districts: *Provided,* that all causes now pending in the Circuit Court of Gibson county, Tennessee, when both plaintiffs and defendants live in said Thirteenth (13th) Civil District, shall, immediately on the passage of this Act, be transferred to the Law Court of Humboldt, in said county; and all causes now pending in the Chancery Court at Trenton, in said county, when both complainants and respondents live in said Thirteenth (13th) Civil District, shall be immediately transferred to the Chancery Court at Humboldt, in said county; and said causes shall be heard in all respects as if they had been brought in said courts at Humboldt. And the Clerks of the Circuit and Chancery Courts shall make out a complete transcript of all causes transferred under the provisions of this Act.

**SEC. 6.** *Be it further enacted,* That the Law Court of Humboldt shall be holden on the second Mondays in April, August and December.

**SEC. 7.** *Be it further enacted,* That so much and such parts of the Act entitled "An Act to Establish a Special Court at Humboldt, in Gibson county," passed 28th day of January, 1869, as is in conflict with this Act, and all Acts conflicting with this Act be and the same are hereby repealed.

**SEC. 8.** *Be it further enacted,* That District No. 18, of Gibson county, Tennessee, be, and the same is hereby detached from the jurisdiction of the Circuit and Chancery

Law Courts of  
Humboldt.

Thirteenth  
Dis't of Gib-  
son Co., etc.

Proviso.

Suits trans-  
ferred.

Time to be  
holden.

Repealed.

Dis't No. 18  
of Gibson Co.

Courts at Trenton, and attached to the Law and Chancery Courts of Humboldt, subject to all the provisions of section 5 of this Act, and proviso thereto attached.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 23, 1870.

## CHAPTER LXXI.

### AN ACT to Amend the Revenue Laws.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, Artists taking Photographs, Ambrotypes, or Artists. any other likeness, shall take out a license semi-annually and pay a privilege tax therefor, as follows: For each and every gallery located in a city of over three thousand inhabitants, thirty-five dollars; for each and every gallery, located in a town of from five hundred to three thousand inhabitants, twenty dollars; for each and every gallery located in a town of less than five hundred inhabitants, or in the country, five dollars. Said tax to be paid to the Clerk of the County Court, in which the gallery may be located.

SEC. 2. *Be it further enacted*, That any person opening a gallery as aforesaid, without paying the tax assessed by this Act, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars, nor more than five hundred dollars, and that all laws or parts of laws, contrary to the provisions of this Act, are hereby abolished; this Act to take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 24, 1870.

## CHAPTER LXXII.

AN ACT to Amend the Road Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whoever shall, upon receiving notice to work on any public road in this State, as is now required by law, fail or refuse, shall forfeit and pay the sum of two dollars for each day, for failing and refusing to work said road, to be collected and expended as provided in Section 1197 of the Code.

Penalty for  
Failure to  
work.

SEC. 2. *Be it further enacted*, That in all cases when judgment may be recovered against any delinquent or delinquents for failing or refusing to work on any road, there shall be no property of any description whatever exempt from execution for the payment of all fines and costs so recovered.

No property  
exempt.

SEC. 3. *Be it further enacted*, That all overseers of public roads in this State shall hereafter be exempt from the payment of poll tax for the time he may act as such overseer.

Overseers.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 24, 1870.

## CHAPTER LXXIII.

AN ACT to Re-Establish the Office of County Judge for the County of Decatur, and for other Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of An Act passed 31st day of January, 1868, as relates to the county of Decatur, be, and the same is hereby re-enacted.

SEC. 2. *Be it further enacted*, That the election for Election. County Judge for said County shall be held on the fourth Saturday of March, 1870.

SEC. 3. *Be it further enacted*, That so much of An Act passed January 29, 1869, as relates to the county of Decatur, and all other Acts in conflict with this Act, be, and the same are hereby repealed. Repealed.

SEC. 4. *Be it further enacted*, That Cub Creek be, and the same is hereby constituted the boundary line between the Fifth and Seventh Civil Districts of Decatur county. Decatur Co.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 24, 1870.

## CHAPTER LXXIV.

AN ACT to Exempt Certain Property from Taxation, by the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all property in this State, in which the widow of any ex-President of the United States has any rights, claim or interest, be and the same is hereby exempted from taxation, for and during the life of such widow. Widows of ex-Presidents.

SEC. 2. *Be it further enacted*, That all property in this State, in which the State of Tennessee owns the remainder interest, be and the same is hereby exempted from taxation. State interest.

SEC. 3. *Be it further enacted*, That all property in this State, owned and situated as specified in the first and second sections of this Act, shall not be listed or classed with the taxable property of the State; and this Act shall apply to the taxes for the year 1870, and all future years.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 24, 1870.

## CHAPTER LXXV.

AN ACT to Provide for the Children and their Descendants of Colored Persons, to Inherit the Estate, Real and Personal, of their Deceased Parents.

Whether  
Slaves or not.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases of free persons of color or slaves owning real or personal estate, and having, while slavery existed, departed this life, possessed of, or having legal or equitable estate, the same shall descend and be distributed between the widow and their children or descendants or next of kin, whether they were slaves or not at the death of the descendant, agreeable to the laws of descent and distribution provided for free persons.

Real or Personal Property.

SEC. 2. *Be it further enacted*, That the second section of the Act of 1865-6, chapter 59, shall embrace and apply to real as well as personal estate, and the children of their descendants, or next of kin, shall inherit the estate of the descendants, as provided for free persons.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 24th, 1870.



## CHAPTER LXXVI.

## AN ACT to Compensate Commissioners of Registration.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the State Treasury be, and he is hereby authorized and directed, to issue his warrant on the Treasurer to each Commissioner of Registration in this State, appointed since May 1, 1869, for ten cents for each voter so registered by such Commissioner; *provided*, that no Commissioner shall receive a warrant for such services so rendered for more than one hundred dollars; *provided further*, that said Register has not been compensated by his county under existing laws; *provided further*, that when any county has paid the Registrar, the amount due such Registrar under the provisions of this section, shall be refunded to such county out of the State Treasury.

SEC. 2. *Be it further enacted*, That the County Court of each county shall pay to such Registrar of their respective counties, for holding elections, the fees heretofore allowed Sheriffs for such services.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 24, 1870.

## CHAPTER LXXVII.

## AN ACT to Fund the Floating Debt of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury shall fund the bonds of the State of Tennessee now due, or which may become due on or before the first day of January, 1874; and the interest on the public debt now

due, and which may become due on or before the first day of January, 1874; the bank notes of the Bank of Tennessee, issued prior to the sixth day of May, 1861, and not declared void by the amended Constitution of the State of Tennessee; and outstanding warrants on the Treasury. And to enable the Comptroller to perform the duty prescribed in this Act, he is hereby authorized and required, to call on the Governor of the State, and upon such demand, the Governor of the State is hereby directed to cause to be issued to the Comptroller of the Treasury, bonds of the State of Tennessee, with coupons attached, of denominations of not less than fifty dollars, redeemable by the State in not less than five, or not more than twenty years, at the pleasure of the State, bearing interest at the rate of six per cent., payable semi-annually at the office of the Comptroller of the Treasury, in the City of Nashville: *Provided*, the bonds so issued, shall not exceed the sum of three millions of dollars, and shall only be used at par in funding as herein provided.

SEC. 2. *Be it further enacted*, That the bonds of the State of Tennessee, the interest coupons of the bonds of the State of Tennessee, the bank notes of the Bank of Tennessee, and the warrants on the Treasury, that may be taken up and funded as provided for by this Act, shall be cancelled by the Comptroller and filed in a separate book, to be kept for that purpose only; and the Secretary of State shall keep in his office a particular description of the date, number and amounts of the bonds that may be issued by authority of this Act; and the Comptroller shall deposit in the office of the Secretary of State, the bonds funded and canceled by him, the coupons funded and canceled, the warrants on the Treasury, and the bank notes of the Bank of Tennessee, funded and canceled: all of which shall be recorded in the office of the Secretary of State, in a book provided for that purpose alone: *Provided*, That the Comptroller of the Treasury, the Secretary of State, and the Governor, shall have and receive no compensation for the duties required to be performed by them under the provisions of this Act.

SEC 3. *Be it further enacted*, That the amount of interest now due, or that may fall due by the first day of January, 1872, to the State on bonds issued to railroad companies, may be paid by said companies on the bonds of the State or past due coupons, as the said companies may elect; and the Comptroller of the State is hereby authorized and instructed to receive said bonds or coupons in payment of the said interest due to the State,

Governor to  
issue bonds.

Proviso.

To be Can-  
celed.

Secretary of  
State's Duty.

Comptroller.

Proviso.

Railroad  
Companies.

by said railroad companies: *Provided*, That no railroad Proviso. company in this State, shall be entitled to the provisions of this section unless they have paid or shall pay, in cash, fifty per cent. of the amount of interest due and owing to the State by such railroad companies on the first day of July, 1869.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 24, 1870.

## CHAPTER LXXVIII.

AN ACT to Amend An Act to Make the Rules of Evidence Uniform in the State and Federal Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all Civil Courts in this State, no person shall be incompetent to testify because he or she is a party to or interested in the issue tried. Interested Parties.

SEC. 2. *Be it further enacted*, In actions or proceedings by or against executors, administrators or guardians, in which judgments may be rendered for or against them, neither party shall be allowed to testify against the other and Administration. as to any transaction with or statement by the testator, intestate or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court.

SEC. 3. *Be it further enacted*, That the first section and no other, of the Act passed November 26, 1869, entitled, "An Act to amend An Act entitled 'An Act to make the rules of evidence in the Federal and State Courts uniform,'" passed March 13, 1868, and all laws contrary to the provisions of this Act, be, and the same are hereby repealed. Acts Repealed.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 24, 1870.

## CHAPTER LXXIX.

AN ACT to Authorize the Memphis and Charleston Railroad Company to Raise Money for the Purposes of Said Road.

May borrow  
Money and  
issue Bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Memphis and Charleston Railroad Company be, and it is hereby authorized to borrow a sum not exceeding one million dollars; and in order to secure the payment of the same, the said company is authorized to make and issue its bonds in sums of one thousand dollars for the sum aforesaid, payable not less than five nor more than twenty years from date, with coupons attached, for the payment of interest semi-annually, at a rate of interest to be agreed upon, not exceeding the legal rate of interest at the place where payable.

May Execute  
Third Mort-  
gage.

SEC. 2. *Be it further enacted,* That, in order more perfectly to secure the payment of the principal and interest of the bonds, so to be issued as aforesaid, the said company is hereby authorized to execute a third mortgage on its charter, road, works and depots, with all the stipulations and conditions necessary to accomplish the intent and meaning of this Act; and the manner in which said bonds and mortgage shall be made and executed shall be prescribed by the Board of Directors of said company. That nothing herein contained shall be so construed as to interfere with prior liens; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 25th, 1870.

## CHAPTER LXXX.

AN ACT to Repeal An Act entitled "An Act to Enforce the Laws of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed on the tenth (10th) day of September, 1868, entitled "An Act to enforce the laws of the State," be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 25th, 1870.

## CHAPTER LXXXI.

AN ACT to Sustain the Credit of the State, and to Amend the Revenue Laws of the State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, all real estate other than such as is property exempted from taxation by section five hundred and forty-two (542) of the Code; also, all personal property, to-wit: Stallions, mares, geldings, mules, jacks, jennets, neat cattle, sheep and hogs, exceeding in value the sum of one thousand dollars; also all moneys secured by mortgage or deed of trust, money in actual or constructive possession, money due from solvent debtors, whether by bond, bill single, promissory notes or judgments; also all articles of agreement for the payment of money and accounts on solvent parties, bearing interest, owned or possessed by any person or persons whatsoever, except for notes or bills for work and labor done; also all shares of stock in any bank, institution or company now or hereafter incorporated by or in pursuance of any law of this State, or of any other State;

Property  
taxable.

Property  
taxable.

and all public bonds or stocks whatsoever, other than bonds of the United States, which, by the laws of the United States, are expressly exempt from taxation; all incomes from bonds and stocks which are exempted from taxation by the laws of the United States, or the State of Tennessee; and all money loaned or invested at interest in this State, or any other State or Government, including money of orphans, legatees and distributees, under twenty-one years of age, where the respective amounts belonging to each legatee or distributee are over one thousand dollars, (\$1,000); also, all household and kitchen furniture, including golden and silver plate, owned by any person or persons, corporation or corporations, where the value thereof shall exceed the sum of five hundred dollars; also gold and silver watches and jewelry, all pleasure carriages and buggies of two or four wheels, upon their actual value; all salaries and emoluments or fees of office, when the amount exceeds \$500; together with all other sources of revenue, and property, real and personal, now taxable by the laws of this State, except what is exempted by this Act, shall be valued and assessed, and subject to taxation for all State and county purposes.

Same.

Twenty cents  
on \$100.

Kind of  
money etc., re-  
ceivable for  
taxes.

SEC. 2. *Be it further enacted*, That there shall be assessed and collected for State purposes, on the value of the property enumerated above, and upon the capital, as now defined by law, of all persons engaged in trade, whether as merchants, commission merchants, grocers, dealers in liquors, or other occupation looking to the purchase and sale of articles for the use or benefit of the seller or buyer, the sum of twenty cents on the one hundred dollars of said property and capital so assessed and valued; and the several tax collectors of the State shall receive, in payment of the tax so assessed and levied, bank notes of the Bank of Tennessee, not rendered void by the amended Constitution or laws of the State of Tennessee; coupons of the State of Tennessee, due at the time offered in payment on the bonds of the State of Tennessee; warrants on the Treasury legally outstanding in the hands of the person to whom issued and unpaid, gold and silver, United States legal tender notes, and National Bank Notes.

SEC. 3. *Be it further enacted*, That hereafter no private Act of incorporation in this State shall have the force and effect of a law, unless the incorporators, or persons asking and requiring the same, shall have paid into the treasury of the State, the following sums:

On every charter of incorporation, or Act extending or renewing the charter of any bank, savings institution, safe

deposit company; insurance company, whether fire, marine or life; iron, wood, manufacturing, mining, cotton, wool, warehousing, transportation, or oil company; railroad, telegraph or steam vessel company, the sum of fifty dollars; and all other Acts or charters of incorporation, of whatever kind or character, the sum of twenty-five dollars, other than incorporations relating to churches and schools, or charitable institutions, towns and cities. Rate of tax.

SEC. 4. *Be it further enacted,* That the Comptroller of the Treasury, and the Treasurer of the State, out of the money in the treasury, shall first pay and satisfy all warrants issued for the purpose of paying the current expenses of the executive, judicial and legislative departments of the State, and on account of borrowed money, borrowed to supply the pressing demands on the treasury; then out of the surplus in the treasury, pay and satisfy appropriations made to the asylum for the insane, the school for the blind, and the school for the deaf and dumb, and the amounts due to common schools, and appropriations by the General Assembly to pay special claims, and the remainder to the satisfaction of coupons, on the bonds known as the State debt proper, issued directly for the benefit of the State, and such State bonds as are now due and falling due, known as the State debt proper; and the remainder, whenever the sum amounts to one hundred thousand dollars, *pro rata*, towards the satisfaction of past due coupons on the bonds of the State, of any series issued for the purpose of internal improvements; and upon the presentation of the matured coupons of the date amongst which the distribution *pro rata* is to be made, the Comptroller shall issue a warrant for the *pro rata*, and a new warrant for the remainder due on the coupons, and take up and cancel the coupons so taken up, as required by law; and continue to make such distribution as fast as one hundred thousand dollars of surplus shall accrue, until the entire interest due on the bonds at the time, shall be fully paid; *provided*, the interest falling due first, shall be first paid and satisfied. Comptroller's duty.

SEC. 5. *Be it further enacted,* That, from and after the passage of this Act, it shall be the duty of the Comptroller of the Treasury, to furnish to the Clerk of the County Courts of this State, printed forms, in which shall be designated the several sources from whence revenue is to be derived, together with the rate of taxation on polls, property and privileges; and also, the respective collectors of the State Revenue; the cost of preparing of which shall be paid out of the treasury, on the warrant of the Comptroller. Same.

To furnish blanks.

Interest  
account.

SEC. 6. *Be it further enacted,* That the Comptroller of the Treasury shall keep in his office, a true and correct "interest account," showing the amount of interest due semi-annually, on the bonds of the State issued for any purpose; and shall cause entries to be made on said account of said interest and coupons received and cancelled as now provided by law; and in his report to the General Assembly, shall state the precise amount paid on interest account, the number of coupons paid and cancelled, and the number and amount outstanding and not paid, so as to furnish satisfactory information as to the condition of State indebtedness at the end of each fiscal year.

Duties of  
Assessors.

SEC. 7. *Be it further enacted,* That the provisions of this Act shall apply to the assessments for the year 1870; and in all cases in which assessments have already been made for the year 1870, it shall be the duty of the Revenue Assessors in each county, and they are hereby required, without delay, to reassess the taxable property in their respective districts, according to the provisions of this Act, and make their report of such assessments as now required by law; *provided,* the person who, on the first of April, 1870, is owner of real or personal estate liable to taxation, shall be bound to pay the taxes assessed thereon for the year 1870, and the same shall be assessed in the name of such person, if he can be discovered; but from and after the year 1870, the assessments shall be made as now provided by section five hundred and sixty-one (561) of the Code of Tennessee, on the 10th of January in every year.

Proviso.

To take oath.

SEC. 8. *Be it further enacted,* That each Tax Assessor, before he enters upon the discharge of his duties, shall take and file in the office of the Clerk of the County Court, a written or printed oath, that he will faithfully and honestly discharge the duties of his office, and that he will value all property taxable in his district, in good faith, according to the standard laid down in the Code of Tennessee and this Act. And any Assessor willfully refusing to so value such taxable property, shall be guilty of a misdemeanor in office, and on conviction shall be fined not less than twenty-five, nor more than one hundred dollars; shall be dismissed from that or any other office, State or County, he may hold at the time of conviction, and be ineligible for any office for two years thereafter; and the Judges of the proper courts shall give this Act in charge to the grand juries of this State.

SEC. 9. *Be it further enacted,* That the County Courts of the respective counties of this State, shall not levy any



higher *pro rata* rate of taxes on any species of property, *Pro rata rate.* privilege or poll, than on any other which is taxed by the laws of the State, but the percentage of, as compared with the State tax, shall be equal and uniform; and that the taxes assessed for county purposes shall not exceed the rate of tax provided by this Act.

SEC. 10. *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 25, 1870.

## CHAPTER LXXXII.

### AN ACT to Relieve Certain Railroad Tax Payers of Hawkins County

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Revenue Collectors of Hawkins County, be authorized, and it is hereby made *Duty of Collectors.* their duty to take up all railroad tax receipts for county subscriptions to the Rogersville and Jefferson Railroad, obtained prior to the funding of said railroad debt of Hawkins County, of any citizen of said county, in payment of railroad tax now due, or hereafter to be due, for said county.

SEC. 2. *Be it further enacted,* That, in case any railroad tax receipt has been lost or mislaid, such receipt may be supplied by affidavit; and such receipts or affidavits shall be sufficient voucher to the Revenue Collector in his settlement for railroad dues of Hawkins County; and this Act to take effect from and after its passage. *Lost Receipts.*

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 26, 1870.

## CHAPTER LXXXIII.

AN ACT to Relinquish the State's Claim to Certain Property in Cleveland.

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That, Whereas, by the Act of February 28, 1856, chapter two hundred and forty-one (241), the Trustees of the "Oak Grove Female Academy," at Cleveland, Tennessee, were authorized to convey to Cleveland Lodge, number one hundred and thirty-four (134), Free and Accepted Masons, all right and title which they had acquired to lot number one hundred and twenty (120) in said town of Cleveland; and, whereas, by the accidents of the late war, the title made in pursuance thereof has been lost or destroyed, and the registration of the same burned; Therefore,*

State's relinquishment.

*Be it enacted, First, that the State of Tennessee hereby relinquishes and quit claims to said Cleveland Lodge number one hundred and thirty-four, Free and Accepted Masons, all right, title or interest in the aforesaid lot number one hundred and twenty (120), in the plan of the town of Cleveland aforesaid.*

SEC. 2. *Be it further enacted, That this Act take effect from and after its passage.*

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXXIV.

AN ACT to Repeal An Act Passed February 25, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That An Act entitled "An Act to protect Mechanics," passed February 25, 1868, be, and the same is hereby repealed.*

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXXV.

AN ACT to Authorize Appeals from Judgments and Decisions of Mayors and Recorders.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That appeals shall hereafter be allowed to the Circuit Court and common law courts, from decisions of Mayors and Recorders of all incorporated towns and cities in Tennessee, in all cases in which, by existing laws, an appeal is authorized by law, if said decision or judgment were rendered by a Justice of the Peace; and such appeals from the judgments or decisions of Mayors and Recorders shall be subject to the same terms and restrictions as are now imposed by law upon appeals granted by Justices of the Peace.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXXVI.

AN ACT Providing for the Registration of Certificates of Redemption, and for other purposes.

Fees, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all certificates of redemption of land sold in this State, for the direct tax heretofore imposed by the Government of the United States, shall be registered in the County where the land lies, upon presentation to the Register, who shall receive the same fee for registering a certificate as he may be entitled to for recording a deed.

Certificates.

SEC. 2. *Be it further enacted*, That every certificate of redemption for land so sold and redeemed, or a certified copy thereof from the Register's book's, shall be received as legal evidence in all matters involving the title or possessory rights, or any claim to said land.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS.

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXXVII.

AN ACT to Amend the Exemption Laws of the State.

Acts Repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section five of An Act passed March 13, 1868, entitled "An Act to change the Eighth and Second Chancery Divisions of the State, and for other purposes;" and section nine of An Act passed March 9, 1867, entitled "An Act to amend section 2114 of the Code of Tennessee, and for other purposes," be, and the same are hereby repealed.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXXVIII.

AN ACT to Change the Line Between the Counties of Morgan and Scott.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Morgan and Scott, be and the same is hereby changed, so as to include the farm on which Samuel Young now lives, within the county of Morgan.

SEC. 2. *Be it further enacted*, That the lines between the counties of Union and Claiborne, be so changed as to include, in Union County, all the territory south of the following lines, viz: Beginning at a point above Silas Williams', on the north bank of Powell River, where the Union County line crosses the said Powell River; then running a north-westerly course, to the head of Long Branch, so as to include James Smith's and William M. Wright's lands in Union County; then running a westerly course to the north-west corner of Elisar Ellison's field, to the Campbell County line; then with the Campbell County line to Powell River.

Union and  
Claiborne.

Boundary  
Line.

SEC. 3. *Be it further enacted*, That section 2, of An Act passed February 19, 1869, entitled "An Act to attach the fractions of Lewis County to their original counties," be and the same is hereby repealed.

Act repealed.

SEC. 4. *Be it further enacted*, That the line so changed by said second section of the Act aforesaid, be and the same is hereby restored as it was before the passage of said Act, as between the counties of Perry and Hickman.

Line restored.

SEC. 5. *Be it further enacted*, That the property and polls of said territory so restored to Hickman County, be listed for the year 1870, and thereafter in and for said county of Hickman.

Taxes.

## CHAPTER XC.

AN ACT to Repeal An Act entitled "An Act to Amend An Act for the Protection of Sheriffs, and other Civil Officers, passed June 1, 1865," passed February 1, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed February 1st, 1868, entitled "An Act to amend An Act for the protection of Sheriffs and other officers of the State, passed June 1st, 1865, and for other purposes," be and the same is, together with the Act which it was intended to amend, repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER XCI.

AN ACT to Repeal An Act passed June 6, 1865, entitled "An Act for the Benefit of Discharged Union Soldiers."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act, entitled "An Act for the benefit of discharged Union soldiers," passed on the 6th day of June, 1865, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS;

*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER XCII.

AN ACT to Regulate Public Contracts, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any officer, committeeman, director, or other person whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or contract in which any public, municipal corporation, county, or the State, shall or may be interested, to be directly or indirectly interested in any such contract. Officers, etc., not to be interested.

SEC. 2. *Be it further enacted*, That should any person acting as such officer, committeeman, director, or other person above referred to, be or become directly or indirectly interested in any such contract, he shall forfeit all pay and compensation therefor. Penalty.

SEC. 3. *Be it further enacted*, That such officer shall be dismissed from the office he then occupies, and be ineligible for the same or a similar position, for ten years. Same.

SEC. 4. *Be it further enacted*, That the present session of this General Assembly shall terminate on Monday, the seventh day of March, A. D., 1870, at twelve o'clock, meridian, and that said present General Assembly shall hold a second session of said General Assembly in the city of Nashville, commencing on Monday, the ninth day of May, 1870, at twelve o'clock, meridian. Sessions of General Assembly.

SEC. 5. *Be it further enacted*, That all unfinished business which may be pending before the two Houses of this General Assembly, or either of said Houses, at 12 o'clock, meridian, on Monday, the 7th day of March, 1870, shall be continued and carried over to said second session of said General Assembly; and when said General Assembly shall again assemble in session as provided in this Act, said unfinished business shall then be resumed, taken up, considered and disposed of at said second session in the same order and manner as if said General Assembly had not adjourned on Monday, the seventh of March, 1870. Unfinished business of same.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 1, 1870.

## CHAPTER XCIII.

## AN ACT to Relieve the Tax Collectors of Tennessee.

Jeffreys,  
Bales and  
others.

SECTION 1. *Be enacted by the General Assembly of the State of Tennessee,* That Ensley Jeffreys, Revenue Collector for the County of Scott, and Carter M. Bales, Revenue Collector for the County of Hawkins, and all other Revenue and Tax Collectors for the various counties in the State of Tennessee, who have not completed their collections and settlements as such Tax or Revenue Collectors for the years 1865 and 1866 and 1867, be, and they are hereby granted and allowed the further time of one year from this date, in which to collect and make full settlements as such Revenue or Tax Collectors for the years aforesaid.

Securities.

SEC. 2. *Be it further enacted,* That nothing contained in this Act shall, in any way, operate, or be held to release the present securities of such Revenue or Tax Collectors for said years, who may claim the benefit of this Act: *Provided,* that the securities shall consent to such further time.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 1, 1870.

## CHAPTER XCIV.

## AN ACT to Repeal An Act passed March 12, 1868, and Feb. 19, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of Acts passed the 12th day of March, 1868, and February 19, 1869, as imposes a tax on wagons or carts hauling corn, hay, oats, fodder,



wood, ore, coal or pig iron, be, and the same is hereby repealed; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCV.

### AN ACT to Amend the Laws of Limited Partnerships.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of sections 1744 and 1756 of the Code, as requires the publication in newspapers, of the removal or dissolution of limited partnerships, be, and the same is hereby repealed; and that this Act take effect from and after its passage.

Sections of  
Code repealed

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCVI.

### AN ACT Directing the Payment of Certain Costs Adjudged against the State by the United States Circuit Court, at Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be, and he is hereby directed to issue his warrant to the Clerk of the Federal Court at Nashville, for the sum of two hundred and eighty dollars, the amount of costs ad-

Comptroller's  
duty.

judged by said court against the State in the case of the United States against certain lots in South Nashville, known as the Cannon Factory, the title to which was decreed by said court to the State, subject to a lien reserved in the decree of said court for the payment of said costs.

SEC. 2 *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCVII.

AN ACT to Repeal An Act Passed on the 8th day of February, 1869' entitled "An Act to Secure the Laborer his Just Reward for Work and Labor Done."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed February 8th, 1869, to secure the laborer his just reward for work and labor done, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCVIII.

AN ACT to Transfer Certain Stock from the Greeneville and Paint Rock Turnpike Company to the Greeneville and Paint Rock Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That thirty thousand dollars of stock, owned by the State of Tennessee, in the East Tennessee and Georgia Railroad Company, heretofore transferred by An Act passed on the 24th day of May, 1866, to the Greeneville and Paint Rock Turnpike Company, be and the same is hereby transferred to the Greeneville and Paint Rock Railroad Company; *Provided*, the Greeneville and Paint Rock Turnpike Company agrees and consents thereto.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCIX.

AN ACT to Amend the Law in Regard to Females Covert Owning the Fee in Real Estate, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That married women over the age of twenty-one years, owning the fee, or other legal or equitable interest or estate in real estate, shall have the same powers of disposition, by will, deed, or otherwise, as are possessed by *femes sole*, or unmarried women.

SEC. 2. *Be it further enacted*, That the powers of said married women to sell, convey, devise, charge or mortgage their real estate, shall not depend upon the concurrence of the husband, or his consent thereto; *provided*, her privy examination to any deed, mortgage, or other conveyance, shall take place before a Chancellor, or Circuit Judge of this State, or Clerk of the County Court.

Power to sell  
Real estate.

Separate estate.

SEC. 3. *Be it further enacted*, That *femes covert*, or married women, owning a separate estate, settled upon them, and for their separate use, shall have and possess the same power of disposition by deed, will or otherwise, as are given by the first and second sections of this Act: *Provided*, the power of disposition is not expressly withheld in the deed or will under which they hold the property.

Liability for debts.

SEC. 4. *Be it further enacted*, That all real property, legal and equitable, of every kind and description owned by a married woman, or held in trust for her sole and separate use, shall be liable for all debts contracted by her for necessities for herself or minor children, as fully as if such married woman were a *feme sole*, and with the same exemption as that of a *feme sole*.

Deed must be Registered, etc.

SEC. 5. *Be it further enacted*, That said married woman shall cause the deed, will or other instruments under which she derives title to her property, claimed under the provisions of this Act, to be duly registered in the county of the residence of herself and husband; and on removal to any other county in this State, a copy of the same shall be registered in the county to which said removal takes place; and if the right to the property is not described by deed, will or other instrument, but by succession or inheritance, she shall cause a schedule thereof, verified by her own signature, and acknowledged before the Clerk of the County Court, or proven, and her privy examination taken, to be registered as aforesaid. If the property shall be land or other real estate, then the registration shall take place in the county where the same is located.

Separation of Husband and Wife.

SEC. 6. *Be it further enacted*, That the provisions of this Act, except the provisions of the third section of this Act, shall apply to and embrace only such *femes covert* or married woman, as have abandoned their husbands, or who may refuse to live with or cohabit with their husbands, or whose husbands may be *non compos mentis*, insane, or of unsound mind; and also to such married women or *femes covert*, whose husbands may fail or refuse to cohabit with, or have abandoned such married woman or *femes covert*; *Provided*, that all married women or *femes covert*, owning any land or real estate of any kind or description, legal or equitable, in this State, by descent, inheritance, deed, gift, or otherwise, shall have full power and authority to dispose of such land or real estate by last will and testament, in as full, ample and complete a manner as if they were *femes sole*, or unmarried women; but such testamentary disposition of said land, or real estate,

Proviso.

shall not be so construed as to defeat any husband's *tenancy by courtesy* in such real estate or land; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER C.

### AN ACT to Dispose of Clothing Belonging to the State.

WHEREAS, The State Guards having been disbanded; and, *whereas*, there are on hand, belonging to the State, a large amount of camp and garrison equipage and Quarter-masters' stores, etc., going to loss; Therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of the State be, and he is hereby directed to cause the same to be disposed of at the earliest practical moment, by public sale, as may to him seem best for the interest of the State; and the proceeds delivered into the Treasury of the State; and that he cause all the ordnance or ordnance stores now in the possession of the State, which belongs to the United States, to be turned over to some ordnance officer of the United States, who is authorized to receive and receipt for the same. Governor to sell same, etc.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 3, 1870.

## CHAPTER CI.

AN ACT to Repeal An Act to Amend Chapter 3, Title 3, Part III, of the Code, and for Other Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act to amend chapter 3, Title 3, Part III, of the Code, passed February 3, 1868, making the examinations of title to real property by the Memphis Abstract Company, evidence in the Courts of this State, be, and the same is hereby repealed.

Memphis Abstract Company.

Repealed.

SECTION 2. *Be it further enacted*, That An Act to incorporate the Memphis Abstract Company, passed February 3, 1868, be, and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That section 8 of chapter thirty-six of the Acts of 1866-7, passed March 8, 1867, be, and the same is hereby repealed; and that this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate*

Passed March 3, 1870.

## CHAPTER CII.

AN ACT Regulating the Fees of the Comptroller and Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That neither the Comptroller or the Secretary of State, shall demand and receive any fee or fees whatever for signing and affixing the seal of the State to any bond or bonds issued by this State.

Affixing Seal to State documents.

SEC. 2. *Be it further enacted*, That the Secretary of State shall not be entitled to any fee or fees whatever, for signing and affixing the seal of the State to any commission for State or county officers.

Commissioners.

SEC. 3. *Be it further enacted*, That all laws in conflict with this Act, be, and the same are hereby repealed; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 4, 1870.

## CHAPTER CIII.

AN ACT to Continue the Office of County Judge in the County of Franklin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected by Election. the qualified voters of said county, one County Judge, to hold his office under the Act of February 25, 1868, creating the office of County Judge.

SEC. 2. *Be it further enacted*, That the sheriff, or other person holding the election of said county, shall, on the fourth Saturday in March next, after giving the notice required by law, open and hold an election for said purpose, at all the voting places in said county. Sheriff to hold.

SEC. 3. *Be it further enacted*, That the person receiving the highest number of votes, shall be declared duly elected, and a certificate of election given him, upon which the Governor shall commission said County Judge, who, before entering upon the discharge of his duties, shall take an oath to support the Constitution of the United States, and the State of Tennessee, and also an oath of office. Commissioners, etc.

SEC. 4. *Be it further enacted*, That this Act take effect and be in force from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 4, 1870.

## CHAPTER CIV.

AN ACT to Amend Section 4148 of the Code.

Justices of  
the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 4148, of the Code of Tennessee, be so amended as to read as follows: A Justice may, in writing, specially depute any discreet person of full age, not being a party to the suit pending, to perform any particular duty, devolving by law, upon a Constable if no Constable is at hand; and the business urgent, but no Magistrate shall make such special deputation unless one of the parties to a suit pending, or his or her attorney, shall make oath before the Magistrate, and file the same in writing, stating that to the best of their information, there is no regular officer at hand, and that the business is urgent.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage..

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 4, 1870.

## CHAPTER CV.

AN ACT to Authorize the People to Call a Convention, and for other purposes.

Preamble.

WHEREAS, According to Section 1, Article 1, of the Declaration of Rights, all power is inherent in the people, and all free governments, are founded on their authority and instituted for their peace, safety and happiness; and,

WHEREAS, It is declared that, for the advancement of these ends, the people have, at all times, an inalienable and indefeasible right to alter, reform or abolish the Government in such manner as they may think proper; and,



WHEREAS, In the opinion of this General Assembly, Preamble. the public exigencies do now demand the exercise of these inherent and reserved powers on the part of the people of the State ; Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That every male person not convicted and rendered infamous for crime, of the age of twenty-one years, being a citizen of the United States, and a citizen of the county where he may offer his vote six months next preceding the day of election, is hereby authorized to assemble on the third Saturday in December, 1869, at the several places of holding elections in their several counties, and vote for or against calling a Convention to amend, revise, or form and make a new Constitution for the State; and no certificate or other qualification than the foregoing, shall be required by the Judges holding said election.

SEC. 2. *Be it further enacted,* That, in submitting the question of a Convention to the people, they shall have written or printed on their ballots the words "Convention," or "No Convention," and if the number of votes cast for a Convention be greater than the votes cast against a Convention, then there shall be a Convention.

SEC. 3. *Be it further enacted,* That an election for delegates to a Convention of the people of the State, shall be held in the several counties thereof at the same time and places ; and that said election shall be held at all the precincts and voting places established by law, and shall be managed and conducted by the Commissioners of Registration and other proper officers of the counties respectively, in the same manner and under the same rules and regulations that members of the General Assembly are now elected. And it is hereby declared to be the duty of the Governor to issue his proclamation to the several Commissioners of Registration of the State, immediately after the passage of this Act, requiring them to hold and conduct the same as herein provided. The said Commissioners of Registration shall advertise the time and places of said election as in cases of members of the General Assembly.

SEC. 4. *Be it further enacted,* That the whole number of delegates elected to said Convention, shall be seventy-five.

SEC. 5. *Be it further enacted,* That each one of the Representative Districts, as established by the apportionment Act of the 19th February, 1852, shall constitute a District, and elect and send to said Convention exactly the

same number of delegates that they have Representatives in the General Assembly by said Act of apportionment.

Same.

SEC. 6. *Be it further enacted*, That each one of the Floterial Districts, as established by said Act of apportionment, shall constitute a district, and elect and send to said Convention, one delegate.

Compare vot's

SEC. 7. *Be it further enacted*, That the votes in the several Representative and Floterial Districts shall be compared at the several places where the votes for members of the General Assembly were compared in the last August election.

Ineligibility.

SEC. 8. *Be it further enacted*, That no person shall be eligible to a seat in said Convention who is not twenty-one years of age, and who has not been a citizen of the State for twelve months, and of the county and district from which he is elected six months immediately preceding the election.

Test oaths.

SEC. 9. *Be it further enacted*, That all laws requiring test oaths to enable persons to become candidates for office, or requiring Judges and Clerks of elections to take such oaths, shall not apply to the election under this Act.

Vacancies.

SEC. 10. *Be it further enacted*, That in case of the death, refusal to serve, resignation or removal from this State, of any delegate, the vacancy occasioned thereby shall be filled in the same manner prescribed by law for the filling of vacancies in the representation to the General Assembly.

Commissioner to report result.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Commissioner of Registration of each county in the State, immediately after said election, to make a complete return to the Secretary of State of the votes cast "For Convention," or "No Convention," and for delegates in his county. The certificate of election of the returning officer or officers of the county or districts shall be *prima facie* evidence of the right of any delegate to a seat in said Convention, subject, if contested, to be decided in the manner the Convention may prescribe.

Governor and Secretary of State

SEC. 12. *Be it further enacted*, That it shall be the duty of the Governor and Secretary of State, to compare the returns made by the Commissioners of Registration; and if a majority of those voting be in favor of a Convention, it shall be the duty of the Governor immediately to issue his proclamation announcing the result; and said Convention shall convene in the city of Nashville, on the second Monday in January, 1870; and when so assembled, said delegates shall organize themselves into a Constitu-

tional Convention by the election of a President and such other officers as they may deem necessary.

SEC. 13. *Be it further enacted*, That said Convention shall adopt such rules and regulations for its government and the transaction of business, as it shall think proper: Rules, Compensation, etc. and that the members and officers of said Convention shall receive the same compensation as is now allowed by law, to the members and officers of the General Assembly of the State, and to be paid in the same manner by the Treasurer.

SEC. 14. *Be it further enacted*, That the constitution, or form of government, which said Convention may adopt, shall not be of any binding force or efficacy, until the Ratification. same has been submitted to and ratified by the people of the State, in such manner and in such time as the Convention shall provide.

SEC. 15. *Be it further enacted*, That, should any county have no Commissioner of Registration, at the time of said election, or, should the Commissioner of Registration fail or refuse to hold said election, then, in that event, it shall Sheriff's duty be the duty of the Sheriff of each county, to open and hold such election, subject to the same rules and regulations as is imposed upon Commissioners of Registration, by this Act.

SEC. 16. *Be it further enacted*, That, in all cases where any Commissioner or Sheriff fails or refuses, or from any other cause fails to hold said election, it shall be lawful Failure to hold election. for any freeholder to hold said election, by summoning as many by-standers as may be necessary to hold said election: all of whom shall be freeholders.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed November 15, 1869.

## CHAPTER CVI.

AN ACT to Empower the School Fund Fraud Committee to Prosecute their Investigations.

WHEREAS, Wm. Green and Jonathan Morris, of the Senate, and J. G. Hornberger, S. L. Warren and Wm. T. Nixon, of the House of Representatives, were appointed at the present General Assembly, a joint committee to examine into the school fund fraud; and they not being able to investigate the same and make their report during the present sitting of the General Assembly; Therefore,

Committee to  
investigate.

Continued  
powers, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said Greene, Morris, Hornberger, Warren and Nixon, be and are hereby continued as a committee to investigate the said school fund fraud, with full power to examine into the same at any time, whether the General Assembly is in session or not in session; and to this end may summon and examine witnesses; may send for persons, books and papers; may administer oaths, and do any and all other things that may be necessary to obtain a full and fair investigation of said school fund fraud.

May apply to  
Chan. Court.

SEC. 2. *Be it further enacted*, That the said committee, in the name of the State, may, by petition, apply to the Chancery or Circuit Courts, or to any Judge or Chancellor thereof, for writs of attachment and all other process to compel the attendance of witnesses and the production of books and papers.

Failure to  
obey sum-  
mons, etc.

SEC. 3. *Be it further enacted*, That, should any person fail or refuse to comply with any summons issued by the chairman of said committee, as a witness or otherwise, or to produce books and papers, the said committee, in the name of the State, may present a petition to the Judge or Chancellor of any Chancery or Circuit Court, setting forth the facts; and it shall be the duty of such Judge or Chancellor to issue a writ, or writs of attachment, directed to any sheriff in the State, whose duty it shall be to attach the person of such party or parties in default, and bring them before such Judge or Chancellor; and it shall be the duty of the Court, Judge or Chancellor, to order such person or persons, to appear before said committee and answer such questions and give such evidence

as may be required by said committee, and produce such books and papers as may be demanded by said committee.

SEC. 4. *Be it further enacted*, That the said Court, Judge, or Chancellor, upon application as aforesaid, shall issue writs of attachment for all books and papers that the committee may deem or think necessary for said investigation; and may also issue all other process that may be required to reach and accomplish a full and fair investigation of all matters that may, in any wise, appertain to said school fund fraud. Attachments.

SEC. 5. *Be it further enacted*, That the party attached under the provisions of this Act, shall be held in custody until he has complied with the order of the Court, Judge or Chancellor, and has also paid all costs of the proceedings against him; and upon a failure to comply with the order of the Court, Judge or Chancellor, the party offending or in default, shall be confined or imprisoned in the common jail of the county until such order is complied with, and until all the costs of the proceedings against him are paid. Penalty.

SEC. 6. *Be it further enacted*, That all process issued under the provisions of this Act, shall be in the name of the State of Tennessee, and against the party offending or in default.

SEC. 7. *Be it further enacted*, That full power and authority is vested in the Circuit and Chancery Courts of the State, and the several Judges and Chancellors thereof, to issue all process provided for in this Act, and make all orders, and to hear all things in relation to the matters arising out of the petition and proceedings provided for in this Act. Powers of Cir and Ch. Cor.

SEC. 8. *Be it further enacted*, That for the purpose of carrying into execution the provisions of this Act, and to make it perfectly effective, the Judges and Chancellors herein mentioned, may act upon the matters of said petition either in or out of term time; and all the powers vested in the Judges and Chancellors of this State when sitting in open court, are vested in them in vacation, or out of term time, when acting upon the subject matter of said petition and enforcing the provisions of this Act. Judges.

SEC. 9. *Be it further enacted*, That all process issued under the provisions of this Act, shall be signed by the Judge or Chancellor except when the Court is in session and then it may be signed by either the Judge, Chancellor or Clerk of the Court; and if by the Clerk of the Court, shall be, under the orders of the Court, entered of record. Process, how signed.

SEC. 10. *Be it further enacted*, That false swearing

**Perjury.** before the said committee, is hereby declared perjury, and, upon conviction thereof, the party adjudged guilty thereof, shall serve in the Penitentiary of the State not less than five years, nor more than twenty years.

**Vacancies in Committees.** SEC. 11. *Be it further enacted,* That in case of death, resignation or removal of any member of the committee, the other members of the committee may, at their discretion, fill such vacancy from the members of the General Assembly, making the election from the House or branch of the General Assembly in which the death or removal occurs.

**Powers of General Assembly.** SEC. 12. *Be it further enacted,* That the General Assembly reserves the right to control and discharge said committee by joint resolution, and in like manner to place upon it such limitations and restrictions as it may deem necessary and proper; and either house of the General Assembly may fill vacancies in said committee whilst the General Assembly is in session, and may also make removals.

**Powers of Committee on Railroads.** SEC. 13. *Be it further enacted,* That the provisions of this Act be, and the same are hereby extended to the special committee appointed by this General Assembly to investigate the condition of the insolvent railroads of the State; and the said special committee are hereby clothed with all the authority and privileges conferred by this Act upon the committee to investigate the School Fund Fraud, so far as the same may be applicable to the said special committee to investigate the insolvent railroads, and that the honorable John M. Fleming, of this House, be added to said committee.

**Duties of School Fund Fraud Committee.** SEC. 14. *Be it further enacted,* That said School Fund Fraud Committee, shall inquire and report what has become of the fifteen hundred thousand dollars deposited in the Bank of Tennessee, in 1838; and the nine hundred thousand dollars, subsequently deposited with said bank for educational purposes, as part of the surplus revenue received from the United States; also whether the Bank of Tennessee is solvent or not, and if not, who are responsible for its insolvency; also how much of the assets of said bank, when returned to Tennessee in 1865, consisted in Confederate notes and bonds.

**Same.** SEC. 15. *Be it further enacted,* That said committee shall inquire and report why the said fifteen hundred thousand dollars, (1,500,000) and the nine hundred thousand dollars, and also the proceeds of the sale of the school lands since 1838, cannot be recovered. Said committee shall report the names of all persons concerned in carrying away the

assets of the Bank of Tennessee in February, 1862, what amount of assets were carried away, and what amount of solvent and available assets were returned to Tennessee.

SEC. 16. *Be it further enacted*, That the respective members of the Senate and House of Representatives, whilst engaged in the performance of the duties herein required of them, shall be entitled to the same *per diem* as if the General Assembly were in session. Per diem.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER CVII.

AN ACT to Provide for the Enumeration of the Male Inhabitants of the State, of Twenty-one years of Age and Upward.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several County Courts of this State shall, at the January Term of said Courts, in the year 1871—a majority of the Justices of the county County Courts being present—elect a Commissioner, whose duty it shall to elect Com- be to take (and make out in writing) an accurate and missioners. complete list of all the male inhabitants of their respective counties, who are twenty-one years of age and upward, who shall be resident citizens of their counties on the first day of January, 1871; and it shall be the duty of each of said Commissioners to return such list of male Duties. inhabitants so taken by them as aforesaid, certified, to the Clerk of the County Court, on the first Monday in July, 1871.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Clerks of the County Courts to make out an aggregate number of the male inhabitants thus returned; Clerk's du- to enter the same on the minutes of the County Court; to ties. make out two accurate copies thereof, one to be filed in their respective offices, and the other to be transmitted to the Secretary of State, on or before the first day of October, 1871, which copies shall be certified under their

hands and seals of office; and they shall also furnish the Senators and Representatives from their respective counties, with a duplicate thereof.

Secretary of  
State.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Secretary to embody the enumerations thus returned from the respective counties, and present the same to the General Assembly next elected after this General Assembly, during the first week of its session.

Failure of  
Commissioner  
to act.

SEC. 4. *Be it further enacted*, That, if the County Courts fail to appoint Commissioners as provided in the first section of this Act, or should the Commissioner appointed die or remove out of the county before taking and returning the list as required, then the County Court at the next term thereafter, may elect one in his place.

Compensation

SEC. 5. *Be it further enacted*, That the Commissioner shall be allowed the sum of three dollars for each one hundred inhabitants by him enumerated and returned, which shall be paid out of the Treasury of the State on a warrant from the Comptroller.

Census  
Taker's duty.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Census-taker to keep a separate list of the white and colored males over twenty-one years of age as aforesaid, and report the number of each class separately; and that this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CVIII.

AN ACT to Enable Non-Resident Aliens, who are Heirs or Devisees, to Hold and Convey Real Estate, by Devise or Descent, and Alienate the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for any non-resident alien to acquire real estate in this State by descent or devise, and to hold, sell, alienate and convey the same, as if he or she were a citizen of the United



States; but the time during which such alien may thus <sup>Time expires,</sup> hold, sell, alienate and convey said real estate, shall ex- <sup>minors etc.</sup> pire seven years after the final settlement of the descendant's estate, and in the case that said alien should be a minor, his or her guardian or curator shall have the right to hold, sell, alienate and convey said real estate for the benefit of said minor during the time specified in this section.

SEC. 2. *Be it further enacted,* That if the aforesaid non-resident alien, who has thus acquired by descent or devise, possession of real estate, for a limited time, as specified in the preceding section of this Act, should die before the expiration of that time, and in possession of <sup>In case of death.</sup> said real estate, then his heirs or devisees, if they are likewise non-resident aliens, shall acquire and hold real estate under and with the provisions of this Act, but if they are citizens of the United States, or persons who may by law, and independent of this Act, hold and convey real estate in this State, they shall inherit and succeed as they would have done, if their ancestor or deviser had been a citizen of the United States; *Provided,* that this Act shall have no effect, unless by existing <sup>Proviso.</sup> treaty stipulations the country of which said alien is a citizen or subject has conferred upon the citizens of the United States by treaty stipulations and public laws passed in pursuance thereof, the same privileges as are now conferred by this Act on their citizens. This Act to take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem. of the Senate.*

Passed February 15, 1870.

## CHAPTER CIX.

## AN ACT for the Benefit of Tax-payers of Davidson County.

Preamble.

WHEREAS, There is due the tax-payers of Davidson County from the Louisville and Nashville Railroad Company, in stock arising from the levy of one per cent, for a sinking fund upon the county's subscription of three hundred thousand dollars to said company for seven years; and,

WHEREAS, The company have declared stock and cash dividends which makes the sum now due, over forty thousand dollars; and,

Same.

WHEREAS, In levying the taxes, the costs of collection and disbursement were included, and were receipted for as taxes; therefore, it is not now practicable to separate them; and,

WHEREAS, It is believed that the stock and the stock and cash dividends due from the company to the tax-payers will about take up all the outstanding receipts issued for taxes to pay interest and sinking fund on bonds issued to said company; now, therefore,

Holders of  
Tax Receipts  
for L. & N.  
R. R.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons holding tax receipts for taxes paid to liquidate interest or sinking fund levied for the bonds issued to said company, and which have not been heretofore taken up, be required to file their receipts with the Commissioner appointed by the County Court of said county for that purpose, within twelve months after the passage of this Act.

Commissioners'  
duty.

SEC. 2. *Be it further enacted*, That when the time for filing receipts shall have expired, the Commissioner shall make out, within twenty days, a statement of all receipts which have been filed, showing to whom they belong and the amounts, and return the same to the County Judge of said county, who shall at once ascertain what amount in stock and stock and cash dividends, is due, and proceed to divide the same *pro rata* between those entitled, either by having stock issued to them in such amounts as they may be entitled to, or to sell the stock and reduce it all to cash, and divide the cash; and in order to effect this without difficulty, the County Judge is authorized to receive the stock, cash and stock dividends; receipt to the company for them, and to sell the stock and stock dividends or

County  
Judge, *pro*  
*rata* division,  
etc.

to divide same as he may deem best, but before doing either, he shall submit the whole statement to the County Court of Justices, including the names of the holders of tax receipts, the amounts due each, and the amount of cash on hand, and stock to be divided, and get their consent to the proposed arrangement. The compensation of the Commissioner and County Judge shall be one per cent. each on the whole amount of each claim, which shall be paid by the claimant to the Commissioner at the time of filing, and to the County Judge, at the time of selling the claim: *Provided*, the time shall not commence running until the Commissioners so appointed shall first give thirty days' notice of the time and place, when and where the receipts shall be filed, in two or more newspapers published in the City of Nashville.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 1, 1870.

## CHAPTER CX.

AN ACT Amendatory of An Act, passed December 14, 1869, entitled  
"An Act to Regulate Common Schools."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several sections, from 891 to 1046, inclusive, of articles 4, 5, 6, 7, 8, 9, 10 and 12, of Title 7, of the Code, are hereby revived and re-enacted so far as they are not in conflict with the Act of which this is amendatory, and with the subsequent sections of this. 981-  
Articles of  
Code revived.

SEC. 2. *Be it further enacted*, That all laws in the Code or elsewhere in the statutes of Tennessee, providing for funds for public education, except as provided in the bill of which this is amendatory, or except as hereinafter provided, are hereby repealed. Repealed.

State Sup't. SEC. 3. *Be it further enacted*, That the State Superintendent, or any other person having under his control any money appropriated for common school purposes, unexpended, shall pay the same over to the Trustee of the county to which said money is due.

County Trustees. SEC. 4. *Be it further enacted*, That the County Trustee of each county, shall, before receiving said money, or any other money due to his county for the use of common schools, enter into a bond as provided in section 1039, of the Code of Tennessee.

Powers of County Courts SEC. 5. *Be it further enacted*, That the County Court of each county are hereby empowered and directed to require the County Superintendent or Superintendents for their respective counties, to make with them a settlement of all matters of account, pertaining to his official position as such Superintendent; and, if on settlement, a balance shall be found due from said Superintendent to said fund, the County Court shall direct and cause suit to be brought for the use of said county, against said Superintendent and his sureties upon his official bond, in the Circuit Court, in and for said county, in the name of the Judge of the County Court, or chairman of the same.

Embezzlement. SEC. 6. *Be it further enacted*, That if judgment should be had and obtained against said Superintendent and his said sureties in said suit, and the same be not paid and satisfied by the next term of the Circuit Court in and for said county, his failure to satisfy said judgment, shall be, and is hereby declared to be an act of embezzlement, and punishable as other cases as provided in section 4706, of the Code of Tennessee.

Counties' *pro rata*. SEC. 7. *Be it further enacted*, That nothing in this Act or the Act of which it is amendatory, shall be so construed as to permit counties which have not received their *pro rata* share of the Common School Fund, from receiving the same.

Powers of County Courts SEC. 8. *Be it further enacted*, That nothing contained in said Act of December 14, 1869, shall be so construed as to allow the County Courts to levy and collect for school purposes, any greater amount on polls, property, or privileges, for the year 1870, and thereafter, than may be levied and collected for State purposes, for such years respectively: *Provided*, that the Act of the 14th of December shall not be so construed as to authorize County Courts to levy any higher tax for school purposes, on property or polls, than is levied by the State for the time being.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
JONATHAN MORRIS,  
*Speaker of the Senate, pro tem.*

Passed February 15, 1870.

## CHAPTER CXI.

AN ACT to Repeal An Act passed February 19, 1869, Creating a County Judge for the County of Anderson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed February 19, 1868, creating a County Judge for the County of Anderson, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 1, 1869.

## CHAPTER CXII.

AN ACT to Repeal An Act entitled "An Act to Preserve the Public Peace."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act entitled "An Act to preserve the public peace," passed September 10, 1868,

commonly known as the "Kuklux Law," be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 12, 1869.

## CHAPTER CXIII.

AN ACT to Abolish the Office of County Judge of Cheatham County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws and parts of laws, heretofore passed by the Legislature of the State of Tennessee, creating and regulating the office of County Judge, for the County of Cheatham, be, and the same are hereby repealed.

Powers of  
County  
Court.

SEC. 2. *Be it further enacted*, That the County Court of Cheatham County, be re-invested with the same jurisdiction and powers that it had prior to the creation of the office of County Judge for said county; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 27, 1869.

## CHAPTER CXIV.

AN ACT to Amend the Acts Creating the Office of County Judge for Lincoln County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 2, of An Act passed the 25th February, 1868, entitled "An Act to create the office of County Judge and for other purposes," and section 2, of An Act passed the 29th of January, 1869, entitled "An Act to repeal An Act creating the office of County Judge in Decatur County, Tennessee," be amended as follows, to-wit: That there shall be elected by the qualified voters of Lincoln County, on the 1st Saturday in March, 1870, an officer for said County of Election. Lincoln, to be styled the County Judge, who shall hold his office for the term of eight years, from the date of his commission.

SEC. 2. *Be it further enacted,* That there shall be on the 1st Saturday in March in every eighth year Every eighth thereafter, an election for County Judge for said year. County.

SEC. 3. *Be it further enacted,* That in case of vacancy from any cause whatever, the Governor shall immediately order an election to fill the unexpired time of the incumbent term, which shall take place upon ten days' notice of time. In all other respects, the election for County Judge shall be held and conducted in the same manner as elections for other county officers. Vacancies.

SEC. 4. *Be it further enacted,* That all the Acts and deeds of the Quorum Court of said Lincoln County, performed subsequent to the Act of February 25, 1868, Quorum abolishing the Quorum Court of said county, and previous to the qualification of the County Judge, under the Act of 29th January, 1869, are hereby declared valid and legal. Courts.

SEC. 5. *Be it further enacted,* That all that part of section 2, of the Act of January 29, 1869, chapter 24, after the words "qualified as the law directs," is hereby County Court repealed; and the office of County Judge of Lincoln re-established County, declared vacant immediately after the passage of this Act; and the duties of the County Court of said county, shall be performed by a quorum of three Justices of the Peace of said county, except the business of the

quarterly terms, until after the election and qualification of the County Judge, as hereinbefore provided.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 29, 1869.

## CHAPTER CXV.

AN ACT to repeal all Laws in this State Requiring Candidates for Official Position to take an Oath.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, no candidate for any official position in this State, or candidates for the Constitutional Convention, shall be required to take and subscribe to any oath; and all laws, requiring any oath, are hereby repealed.

SEC. 2. *Be it further enacted*, That the Judges, Clerks and officers of elections in this State, shall not be required to take and subscribe to any oaths, other than those required in the Code of Tennessee, to be taken by Judges, Clerks and officers holding elections.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 29, 1869.

Candidates,  
 etc.

Judges of  
 elections, etc.



## CHAPTER CXVI.

AN ACT to Repeal An Act passed March 16, 1868, entitled "An Act to Organize and Equip a State Guard, and Regulate the Governor's Staff, and for other Purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act entitled "An Act to organize and equip a State Guard, and regulate the Governor's Staff, passed March 16, 1868, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That An Act passed September 10, 1868, and amended January 16, 1869, entitled "An Act to enforce the laws of the State," be, and the same is hereby repealed: *Provided*, That the Governor shall be entitled to the services of a Private Secretary, whose salary shall be the sum of one hundred dollars per month: *Provided*, that the Private Secretary hereby created, shall have the title of Adjutant-general of the State of Tennessee; *and provided further*, that he shall receive out of the Treasury of the State, no other compensation than is herein provided. Proviso.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed December 17, 1869.

## CHAPTER CXVII.

AN ACT to Repeal to An Act passed November 26, 1866, entitled "An Act to define the qualification of Jurors in this State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed November 26, 1866, entitled "An Act to define the qualification of jurors in this State, be, and the same is hereby repealed."

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 7, 1870.

## CHAPTER CXVIII.

AN ACT to Regulate the Fees of Collectors of Railroad Taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Collectors of railroad taxes, be allowed the same fees that are now allowed to Collectors of the State and County taxes for similar service.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 19, 1870.

## CHAPTER CXIX.

AN ACT to Repeal all Laws Establishing Boards of County Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed March 12, 1869, entitled "An Act to create a Board of County Commissioners in the County of Madison," and all other Acts establishing County Commissioners in this State, be, and the same are hereby repealed.

Acts revived. SEC. 2. *Be it further enacted*, That all laws and parts of laws which were repealed by any Act or Acts establishing County Commissioners, are hereby revived and re-enacted, and put in full force from and after the passage of this Act.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 27, 1870.

## CHAPTER CXX.

AN ACT to Defray the Expenses of the Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of seventy-three thousand five hundred and sixteen dollars and thirty-six cents, be, and the same is hereby appropriated, for the purpose of paying and settling the accounts due and owing by the Penitentiary, for supplies in the way of provisions and clothing, and medicines, furnished by various persons for the use and benefit of the Penitentiary, and for the necessary expenses of said Penitentiary; and to be disbursed as now required by law; and the Treasurer pay the amount so appropriated, out of any money not otherwise appropriated. Debts of Penitentiary.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 4, 1870.

## CHAPTER CXXI.

AN ACT for the Benefit of State and County Fairs.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all State and County Fairs, chartered by Act of Assembly, by whatever name incorporated, having for their purpose, the promoting of agricultural and mechanical arts, the improvement of the races of domestic animals, and the dissemination of useful knowledge on those and kindred subjects, shall have the privilege of letting the stalls and booths of the Fair Buildings, during the period of the annual exhibition of the fair, for business not inconsistent with the laws of this State; and every such association, and its said tenants, May rent stalls, etc., free of license.

during the stated days of its annual or periodical exhibition, shall be exempt from the payment of license or privileges taxable by any of the laws of this State.

SEC. 2. *Be it further enacted*, That, to entitle himself to the benefit of this Act, no tenant as aforesaid, shall sub-let his stall or booth, without the written consent of the President or Directors of the Association, who shall be in every instance, responsible for the abuse of the privilege hereby conferred; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives*  
JONATHAN MORRIS,  
*Speaker pro tem., of the Senate*

Passed February 9, 1870.

## CHAPTER CXXII.

AN ACT to Amend the Registration Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Registration laws of this State be so amended as to admit to registration instruments proved as heretofore provided. If the person executing the instrument be dead, or reside, or be beyond the limits of the United States and its Territories, the instrument may be proved for registration before any clerk of Court of Record, in any of the said States or Territories or before a Commissioner for Tennessee, appointed by the Governor in any such State or Territory, or before a Notary Public of such State or Territory, by two subscribing witnesses; or, if one of them be dead, then by the subscribing witness living, and proof of the handwriting of the deceased witness by two persons acquainted with his or her handwriting.

How deed to  
be registered.

SEC. 2. *Be it further enacted*, That if the person executing the instrument be dead, or reside, or be beyond the limits of the United States and its Territories, and the subscribing witnesses be dead, or have become insane or blind, or deaf and dumb, since they became subscribing

Same.

witnesses or they cannot be found, then the instrument may be proven for Registration before any of the officers mentioned in the preceding section by any two persons acquainted with the handwriting of such maker or such witnesses.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 JONATHAN MORRIS,  
*Speaker pro tem., of the Senate.*

Passed January 18, 1870.

### CHAPTER CXXIII.

AN ACT to Repeal An Act passed March 9, 1867, entitled "An Act to Increase the fees of County Registers."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1, of An Act passed March 9, 1867, entitled "An Act to increase the fees of County Registers," be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 21, 1870.

### CHAPTER CXXIV.

AN ACT to Pay the Current Expenses of this Session of the General Assembly, and for other Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant to each member of the Senate and

House of Representatives, for the sums stated to be due each, in the annexed report of the Committee on Finance.

SEC. 2. *Be it further enacted*, That the Comptroller of issue his warrant to the officers of the Senate and House of Representatives, for the sums stated to be due to each, in the annexed report of the Committee on Finance, War and Means, of the Senate and House of Representatives.

Compt'r to  
issue warrants

Senators.

SENATE.	No. of Miles.	Mileage.	No. of Days.	Am't of Per Diem.	Total.
N. A. D. Bryant.....	516	\$32 56	155	\$620	\$652
Favor Cason.....	80	12 80	"	"	632
J. W. Clementson.....	412	65 96	"	"	688
Ed. Cooper (of Bedford)	126	20 16	"	"	640
Henry Cooper (of Dav'n)	.....	.....	"	"	620
John Cubbins.....	600	96 00	"	"	716
J. R. Eason.....	130	20 80	"	"	640
Em. Etheridge.....	268	42 88	"	"	662
Asa Faulkner.....	210	33 60	"	"	652
Wm. Green.....	690	109 40	"	"	729
Wm. M. Hall.....	300	48 00	"	"	668
J. S. Hart.....	70	11 20	"	"	631
D. W. Hawes.....	160	25 60	"	"	645
J. C. Luttrell.....	522	83 52	"	"	703
A. C. Martin.....	256	40 96	"	"	660
M. R. Millsaps.....	266	42 56	"	"	662
Jonathan Morris.....	200	32 00	"	"	652
D. M. McFall.....	36	5 76	"	"	625
P. P. C. Nelson.....	720	115 20	"	"	735
J. G. Palmer.....	590	94 40	"	"	714
Bailie Peyton.....	48	7 68	"	"	627
A. Pearson.....	302	48 32	"	"	668
L. F. Self.....	674	107 84	"	"	727
D. C. Slaughter.....	478	76 48	"	"	696
D. B. Thomas, Speaker.	156	24 96	"	930	954
Geo. A. Howard, P. C.	.....	.....	"	.....	930
T. L. Williams, E. C.	.....	.....	"	.....	930
Clay Newland, A. C.....	.....	.....	"	.....	930
Henry Blackburn, P. D.	.....	.....	"	620	620
W. R. McCall, A. D.	.....	.....	"	"	620
Elias Polk, Porter.....	.....	.....	"	"	620

HOUSE OF REPRESENTATIVES.	No. of Miles.	Mileage.	No. of Days.	Am't of Per Diem.	Total.
H. Agee.....	606	\$ 96 96	155	\$620	\$716 96
T. Baber.....	60	9 60	"	"	629 60
W. Baker.....	700	112 00	"	"	732 00
Barry.....	54	8 64	"	"	628 64
Barton.....	92	14 72	"	"	634 72
I. R. Boyd.....	762	121 92	"	"	741 92
Bozett.....	356	56 96	"	"	676 96
M. Brashear.....	260	41 60	"	"	661 60
M. Bright.....	244	39 04	"	"	659 04
ary Brown.....	374	59 84	"	"	679 84
Bryant.....	280	44 80	"	"	664 80
P. Caldwell.....	290	46 40	"	"	666 40
W. Casey.....	164	26 24	"	"	646 24
B. Cheatham.....			"	"	620 00
Y. Clark (of Hayw'd)	360	57 60	"	"	677 60
D. Clark (of Jackson)	150	24 00	"	"	644 00
L. Colville.....	210	33 60	"	"	653 60
W. Cox.....	100	16 00	"	"	653 00
D. Curl.....	600	96 00	"	"	716 00
R. Dillin.....	40	6 40	"	"	626 40
A. Dunlap.....	135	37 60	"	"	657 60
H. Eckel.....	634	101 44	"	"	721 44
A. Enloe.....	266	41 56	"	"	662 56
N. Everett.....	150	24 00	"	"	644 00
M. Fleming.....	526	84 16	"	"	704 16
H. Glenn.....	70	11 20	"	"	631 20
P. Hampton.....	176	28 16	"	"	648 16
W. Harris.....	136	21 76	"	"	641 76
F. Harrison.....	466	74 56	"	"	694 56
F. Hinkle.....	350	7 40	"	"	673 40
G. Hornberger.....	124	19 84	"	"	639 84
H. Hunley.....	606	96 96	"	"	716 96
A. James (of Ham'tn)	302	48 32	"	"	668 32
R. James (of Smith)..	100	16 00	"	"	636 00
H. Jones.....	600	96 00	"	"	716 00
D. Keeney.....	560	89 60	"	"	709 60
J. Kelley.....	260	41 60	"	"	661 60
Kenney.....	660	105 60	"	"	725 60
H. King.....	375	60 00	"	"	680 00

Representa-  
tives.

Same.

	HOUSE OF REPRESENTATIVES.	No. of Miles.	Mileage.	No. of Days.	Am't of Per Diem.	Total.
Representa- tives.	Ben. B. Knight.....	172	\$ 27 52	155	620	\$647 8
	Jos. A. Lackey.....	400	64 00	"	"	684 0
	Jas. A. Layman.....	600	96 00	"	"	716 0
	J. G. Longacre.....	260	41 60	"	"	661 0
	W. R. McBath.....	526	84 16	"	"	704 1
	J. L. McClary.....	426	68 16	"	"	688 1
	M. L. McConnell.....	554	88 64	"	"	708 0
	Thos. B. McElwee.....	410	65 60	"	"	685 0
	W. S. McGaughey.....	700	112 00	"	"	732 0
	M. Morrison.....	200	32 00	"	"	652 0
	Jas. H. Neil.....	126	20 16	"	"	640 1
	A. D. Nicks.....	66	10 56	"	"	630 8
	W. T. Nixon.....	150	24 00	"	"	644 0
	J. F. Owen.....	442	38 72	"	"	658 7
	Peter Pearson.....	250	40 00	"	"	660 0
	B. S. Rhea.....	.....	.....	"	"	620 0
	I. J. Roach.....	264	42 24	"	"	662 0
	E. M. Rose.....	168	26 88	"	"	646 8
	J. L. Rosson.....	500	80 00	"	"	700 0
	W. B. Russell.....	100	16 00	"	"	636 0
ame.	L. Russell.....	60	9 60	"	"	629 6
	W. R. Sadler.....	188	14 08	"	"	634 0
	J. C. Saunders.....	158	25 28	"	"	645 2
	J. F. Scott.....	300	48 00	"	"	668 0
	H. R. Sherrod.....	500	80 00	"	"	700 0
	F. S. Singletary.....	762	121 92	"	"	741 8
	Jno. Slack.....	788	126 08	"	"	746 0
	Fred Slimp.....	848	135 68	"	"	755 6
	Wm. Smith.....	716	113 56	"	"	734 8
	R. Snodderly.....	586	93 76	"	"	713 7
	A. L. Spears.....	220	35 20	"	"	655 2
	A. A. Steele.....	130	20 80	"	"	640 8
	M. Stephens.....	320	51 20	"	"	671 2
	Jas. P. Taylor.....	600	96 00	"	"	716 0
	Atha Thomas.....	36	5 76	"	"	625 7
	H. Townsend.....	600	96 00	"	"	716 0
	E. J. Tucker.....	600	96 00	"	"	716 0
	I. D. Walker.....	.....	.....	"	"	620 0
	S. L. Warren.....	425	68 00	"	"	688 0



HOUSE OF REPRESENTATIVES.	No. of Miles.	Mileage.	No. of Days.	Am't of Per Diem.	Total.
W. A. West.....	200	32 00	"	"	652 04
sa. White.....	343	54 88	"	"	674 80
W. B. Wilson.....	94	15 00	"	"	635 04
A. G. Yoakum.....	600	96 00	"	"	716 00
Henry Young.....	250	40 00	"	"	660 00
W. O'N. Perkins, Sp'kr	36	5 76	"	930	935 76
Mail S. Brown, Jr., P. C.	.....	.....	"	930	930 00
L. H. Reeves, A. C.....	.....	.....	147	864	864 00
L. F. Cheatham, A. C.	.....	.....	125	750	750 00
L. Fleming, P. D. K....	.....	.....	152	608	608 00
L. Finnegan, A. D. K.	.....	.....	152	608	608 00
esse Woods, Porter.....	.....	.....	152	608	608 00
F. Slover, E. C.....	.....	.....	154	924	924 00

**ABNER A. STEELE,**

*Chairman, Committee of Ways, Means and Finance,  
of the House of Representatives.*

**ASA FAULKNER,**

*Chairman, Committee of Ways, Means and Finance, Senate.*

SEC. 3. *Be it further enacted,* That the Comptroller issue his warrant on the Treasurer for seventy-two dollars, (\$72.00,) in accordance with House Resolution, No. 3, passed October 7, 1869. Also, for thirty dollars, (\$30.00,) in accordance with Senate Resolution, No. 4, passed October 4, 1869. Also, to D. M. Nelson, for twenty dollars, (\$20.00,) services as Principal Clerk, in organizing the Senate. Also, to Marshall & Bruce, for books and sundries, eighty-one dollars and seventy-five cents. (\$81.75.) Also, postage for members and officers of the House of Representatives, six hundred and thirty-seven dollars. (\$637.00.) Also, to Marshall & Bruce, for books, etc., furnished the Convention, one hundred and twenty-two dollars. (\$122.00.) Also, to A. M. P. Ryan, for water filterers, eighteen dollars. (\$18.00.) Also, to Speakers of Senate and House of Representatives, for sixteen hundred and forty-eight dollars and twenty-nine cents, (\$1,648.29,) for fitting rooms for State Convention. Also, for furniture for same, three hundred and seventy-one dollars and

Comptroller  
to issue war-  
rants.

Comptroller  
to issue War-  
rants.

fifty cents. (\$371.50.) Also, for pay roll of Convention, ten dollars. (\$10.00.) Also, to Samuel Loudon, for coal, five hundred and thirty-seven dollars and forty-six cents. (\$537.46.) Also, to T. P. Wade, for locks, keys and drawers, one hundred and eight dollars, (\$108.00,) furniture for Capitol. Also, to Burrill Hodge, for mending chairs, twenty-one dollars. (\$21.00.) Also, to Jerry Joiner, for cleaning cess pool, two hundred and seventy dollars and ninety cents. (\$270.90.) Also, to D. W. C. Senter, seventy five dollars for purchasing flag for Capitol. (\$75.00) Also, to James Cavitt, for repairing furniture for General Assembly, three hundred and seventy-two dollars and fifty cents. (\$372.50.) Also, to W. T. Berry & Co., general bill of stationery for General Assembly, fifteen hundred and ninety-four dollars and seventy cents. (\$1,594.70.) Also, to Wm. Gamble & Co., for sundries, one hundred and seventy-three dollars and seventy-five cents. (\$173.75.) Repairs on Capitol: Also, to Henderson & Bro., repairs for Capitol, on roof, sixty-five dollars. (\$65.00.) Also, to members and officers of the Senate, for postage, two hundred and seventeen dollars. (\$217.00.) Also, to persons mentioned in House Joint Resolution, No. 248, eleven dollars and twenty cents. (\$11.20.) Also, to Roberts & Purvis, Daily *Republican Banner*, furnished members and officers of the House of Representatives during session, four hundred and fifteen dollars and thirty cents. (\$415.30.) Also, to Roberts & Purvis, for Daily *Republican Banner*, furnished members and officers of the Senate, one hundred and fifteen dollars and fifty cents. (\$115.50.) Also, to Nashville Gas Light Co., for gas furnished Constitutional Convention, twenty-nine dollars and sixty cents. (\$29.60.)

Jesse French,  
and Principal  
Clerk Senate.

SEC. 4. *Be it further enacted*, That Jesse French be allowed seventy-two dollars (\$72.00) for twelve days' services as Engrossing Clerk of the Senate, and the Comptroller issue his warrant for the same; and that the Principal Clerk of the Senate, be allowed an additional compensation of two hundred dollars (\$200.00) for preparing Index to the Journal and Acts of this General Assembly.

P'l. Clerks'  
duties, etc.

SEC. 5. *Be it further enacted*, That the Principal Clerk of the Senate shall remain a sufficient time after adjournment, to file the papers of the Senate in the office of the Secretary of State, and close his business, for which he shall be allowed his *per diem*; and that the said clerk be allowed thirty cents per page, for copying the unfinished

Journals, and that the Comptroller issue his warrant for the same; and that the Clerk take charge of the stationery on hand, and preserve the same for the next session.

SEC. 6. *Be it further enacted*, That the Comptroller J. W. Wilson issue his warrant to J. W. Wilson & Co., for fifty-eight dollars, (\$58,) for a No. 14, Brilliant Stove, ten pounds zinc, 37½ pounds Russia iron pipe, two elbows, purchased by W. H. Wharton, for the use of the State Library.

SEC. 7. *Be it further enacted*, That the Comptroller issue his warrant for five thousand and seventy-four dollars, (\$5,074), to John C. Gaut, Attorney for the State, in the case of Ward & Briggs, lessees of the Penitentiary, against the State of Tennessee, and to David Campbell, and James E. Bailey, Esqs., Referees, and to Plunket, and Brennan, for services in said case, it being the amount paid them by decision of the Governor, according to the authority given him by joint resolution of the General Assembly. John C. Gaut,  
and others.

SEC. 8. *Be it further enacted*, That the Comptroller issue his warrant to J. O. Griffith & Co., for three hundred and ninety-six dollars and thirty-five cents, for daily papers furnished members and officers of the General Assembly. J. O. Griffith,  
& Co.

SEC. 9. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to the Governor, for one hundred and fifty dollars, (\$150,) it being the amount of money paid by him for hire of clerk for signing his name, and approving all the claims filed against the Government of the United States, by citizens of Tennessee, in accordance with An Act passed February 19, 1868, entitled "An Act to secure to the loyal citizens of Tennessee recompense from the United States Government for losses incurred by the rebellion." Governor.

SEC. 10. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to the proprietors of the Nashville *Demokrat*, for one hundred and four dollars and fifty cents, (\$104.50,) for printing and translating two thousand copies of Governor's Message, in German. Demokrat.

SEC. 11. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to John F. Slover, Engrossing Clerk, House of Representatives, for one hundred and sixty dollars, (\$160), for forty days additional clerk hire. John F.  
Slover.

SEC. 12. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to Neill S. Brown, Jr., Principal Clerk of the House of Representatives, for the N. S. Brown,  
Jr., Clerk.

sum of two hundred dollars (\$200), the same being for additional clerk hire, in writing up and Indexing the Journal of this session of the General Assembly.

**P'l. Clerk of House, duties, etc.** SEC. 13. *Be it further enacted*, That Neill S. Brown, Jr., Principal Clerk of the House of Representatives, shall remain a sufficient length of time after the adjournment of this General Assembly, to file the papers of the House of Representatives, in the office of the Secretary of State; also to arrange all unfinished business, and preserve the same, now pending or that may be pending at the adjournment; and that said Clerk be allowed his *per diem*, and also thirty cents per page, for copying up the unfinished Journal; and that the Comptroller issue his warrant for the same.

**Speakers.** SEC. 14. *Be it further enacted*, That the Speakers of the Senate and House of Representatives, be, and they are hereby authorized to take charge of and sell all the property and furniture used in furnishing the Hall of the Convention, except so much thereof, as may be necessary to complete the furnishing of the Library at the Capitol, and that they take an inventory thereof, and report their action to the General Assembly.

**Publishers of newspapers.** SEC. 15. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to pay the publishers and proprietors of newspapers, for the papers furnished the General Assembly, and laid upon the tables of each member every day of the session at the current subscription price of the same: *Provided*, said payment shall be made in accordance with a resolution passed by the present session of the General Assembly, regulating the number of papers each member and officer of the General Assembly, shall receive at the expense of the State.

**Constitutional Convention.** SEC. 16. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer for twenty-one thousand and two hundred and forty-two dollars and twenty cents, (21,242.20,) to the members and officers of the Constitutional Convention, for the respective amounts due each of them, and to the several persons who furnished the Convention with stationery, books, coal and papers, for the respective amounts due and owing to each, as set forth in the following report of the Expenditure and Finance Committee of the Constitutional Convention:

NAMES.	Miles Traveled.	Mileage.	Days in attendance.	Per Diem.	Total.
Allen, John.....	122	\$ 19 52	45	\$180 00	\$199 52
Arledge, Jesse.....	168	26 88	"	"	206 88
Bate, Humphrey R.	438	70 08	"	"	250 08
Baxter, John.....	526	84 16	"	"	264 16
Blackburn, J. H....	112	17 92	"	"	197 92
Blizzard, Archibald.	412	65 92	"	"	245 92
Brandon, Nathan....	220	35 20	"	"	215 20
Branson, J. W.....	574	91 84	"	"	271 84
Britton, James.....	674	107 84	"	"	287 84
Brooks, R. P.....	150	24 00	"	"	204 00
Brown, Neill S.....			"	"	180 00
Brown, James S.....	236	37 76	"	"	217 76
Burket, T. M.....	450	72 00	"	"	252 00
Burton John W.....	60	9 60	"	"	189 60
Byrne, William.....	270	43 20	"	"	223 20
Campbell, Alex. W.	340	54 40	"	"	234 40
Carter, Wm. B.....	762	121 92	"	"	301 92
Chowning, Z. R.....	500	80 00	"	"	260 00
Coffin, James A....	454	72 64	"	"	252 64
Cummings, Warren.	112	17 92	"	"	197 92
Cypert, Robt. P....	192	30 72	"	"	210 72
Deaderick, W. V...	716	124 16	"	"	304 16
Deavenport, T. D...	150	24 00	"	"	204 00
Dibbrell, Geo. G....	172	27 52	"	"	207 52
Doherty, W. F.....	182	29 12	"	"	209 12
Dromgood, John E..	66	10 56	"	"	190 56
Fentress, James....	396	63 36	"	"	243 36
Fielder, A. T.....	380	60 80	"	"	240 80
Finley, W. H .....	572	91 52	"	"	271 52
Fulkerson, P. G....	670	107 20	"	"	387 20
Gardner, John A...	290	46 40	"	"	226 40
Garner, John E.....	50	8 00	"	"	188 00
Gaut, S. P.....	360	57 60	"	"	237 60
Gibbs, Chas. N.....	300	48 00	"	"	228 00
Gibson, H. R.....	606	96 96	"	"	276 96
Gordon, B.....	122	19 52	"	"	199 52
Heiskell, J. B.....	472	75 52	"	"	255 52
Henderson, Rich'd.	302	48 32	"	"	228 32
Hill, H. L. W.....	150	24 00	"	"	20 400

Members of  
Convention.

NAMES.	Miles Traveled.	Mileage.	Days in Attendance.	Per Diem.	Total.
Hill, Sperell.....	326	52 16	"	"	232 16
House, S. S.....	36	5 76	"	"	185 76
House, John F.	120	19 20	"	"	199 20
Ivie, T. B.....	126	20 16	"	"	200 16
James, George W....	244	39 04	"	"	219 04
Jones, Thomas M....	156	24 96	"	"	204 96
Kennedy, D. W....	125	20 00	"	"	200 00
Key, D. M.....	302	48 32	"	"	228 32
Kirkpatrick, S. J...	728	116 48	"	"	296 48
Kyle, A. A.....	678	108 48	"	"	288 48
Mabry, Jos. A.....	526	84 16	"	"	264 16
McDougal, A. G....	340	54 40	"	"	234 40
McNabb, M.....	660	105 60	"	"	285 60
Martin, Matt.....	162	25 92	"	"	205 92
Meeks, J. M.....	425	68 00	"	"	248 00
Morris, Thomas C..	80	12 80	"	"	192 82
Netherland, John...	678	108 48	"	"	288 48
Nicholson, A. O. P..	88	14 08	"	"	194 08
Porter, Jas. D.....	236	37 76	"	"	217 76
Porter, Geo. C.....	360	57 60	"	"	237 60
Parker, J. C.....	650	104 00	"	"	284 00
Sample, Wm.....	622	99 52	"	"	279 52
Seay, Geo. E.....	84	13 44	"	"	193 44
Sheppard, S. G.....	50	8 00	"	"	188 00
Shelton, E. H.....	574	91 84	"	"	271 84
Staley, W. B.....	472	75 52	"	"	255 52
Stephens, W. H....	472	75 52	"	"	255 52
Taylor, John M....	264	42 24	"	"	222 24
Thompson, John C..	6	96	"	"	180 96
Thompson, W. V...	88	14 08	"	"	194 08
Turner, Jas. J.....	52	8 32	"	"	188 32
Waters, G. W.....	320	51 20	"	"	231 20
Warner, J. Rich'd...	118	18 88	"	"	198 88
Williams, W. H....	60	9 60	"	"	189 60
Wright, W. M.....	214	34 24	"	"	214 24
Brown, J. C. Pres't.	156	24 96	"	270	294 96
Rusworm, T. E. S., Secretary .....	.....	.....	"	"	270 00

Members of  
Convention.

NAMES.	Miles Traveled.	Mileage.	Days in Attenda ce.	Per Diem.	Total.
Jones, Thomas W., First As't Sec'y.....	.....	.....	"	"	270 00
Kyle, Wm. S., Second As't Sec'y.....	.....	.....	"	"	270 00
Stewart, L. G., Door- keeper .....	.....	.....	"	180	180 00
Bennett, John E., Asst Doorkeeper.....	.....	.....	"	"	180 00
Davis, H. M. C., Messenger .....	.....	.....	"	"	180 00
Pearl, Henry, Porter.....	.....	.....	"	"	180 00
Allowance to T. E. S. Rusworm, Secretary, for copying the Journals, reports of the Com- mittees, and other documents necessary to be copied, and indexing the same, and super- intending the printing of Journals and other documents.....					
					\$400 00
AGGREGATE.					
For sundry expenses incurred by the Convention as- sembled at Nashville, on the tenth day of January, 1870, for the purpose of revising, and amending or forming anew the Constituion of the State of Ten- nessee:					
Dan Adams, Engraver.....					\$ 225 00
Jones, Purvis & Co.....					13 50
Mileage of Members.....					3,742 76
Per diem of members.....					13,590 00
Per diem of officers.....					1,930 00
Jones, Purvis & Co., Public Printers.....					929 38
Buck Barnes & Co.,.....					54 00
Roberts, Purvis & Co., daily papers.....					102 60
J. O. Griffith & Co, daily papers.....					102 60
Hicks, Houston & Co.....					2 50
Paul, Tavel & Hanner, (Stationers,).....					124 90
W. T. Berry & Co., (Book-sellers,).....					341 46
Carried Forward.....					\$21,158 70

Members of  
Convention.T. E. S. Rus-  
worm.Expenses of  
Convention.

	Brought forward.....	\$21,158 70
Expenses of Convention.	A. A. Tenman.....	2 00
	Buck, Barnes & Co.....	1 50
	W. H. Woodcock & Co.,.....	55 00
	T. E. S. Rusworm, (for stationery).....	25 00
	Total,.....	\$21,242 20

The foregoing report was received and adopted by the Convention, and ordered to be certified to the State Treasurer for payment.

JOHN C. BROWN, *President.*

Attest:

T. E. S. RUSWORM, *Secretary.*

Taylor, Barry  
and Vidder. SEC. 17. *Be it further enacted*, That the Comptroller issue his warrant to Taylor, Barry and Vidder, for twenty-five dollars for the use of one hundred chairs for the Convention, during its session.

Acts and  
Journals. SEC. 18. *Be it further enacted*, That the Secretary of State cause one copy of the Acts and Journals of the present General Assembly to be bound for each member of both Houses and the officers of the same, and distribute them with the other Acts and Journals.

Jones, Pur-  
vis & Co. SEC. 19. *Be it further enacted*, That the Comptroller carefully examine the accounts of Jones, Purvis & Co., for job printing executed for the General Assembly, and pay the same according to the rates specified by law, out of any money in the Treasury, not otherwise appropriated.

Enos Hop-  
kins. SEC. 20. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasury to Enos Hopkins, Post-master at Nashville, for the sum of seventy-six dollars and fifty cents (\$76.50) for postage for the Senate and House of Representatives of the present General Assembly.

Stationery. SEC. 21. *Be it further enacted*, That Neill S. Brown, Jr., Principal Clerk of the House of Representatives, take charge of all the stationery on hand, belonging to the House of Representatives, and preserve the same for the use of the adjourned session of the General Assembly.

Witnesses. SEC. 22. *Be it further enacted*, That the Comptroller issue his warrant to the persons named in this section, for attendance before the Committee on Elections, as witnesses in the contested election for Representative from Rutherford County, before the House of Representatives, in which Fleming contested the right of Joseph R. Dillin, the sitting member, to his seat, to-wit: Wm. Mc-



Connekin, \$11.20; E. T. Fields, \$11.20; J. T. Gouch, \$4.00; John Wilson, \$6.00; J. S. Paynon, \$6.00; Thomas Cain, \$6.00; J. C. Brotherton, \$6.00; John Sanford, \$6.00; Wiley Brown, \$6.00; E. L. Jordan, \$6.00; John Payne, \$6.00, and Andrew Payne, L. P. Swayne, T. J. Sanders, W. A. Norvell, J. W. Hite, W. A. Reed, and J. D. Gillespie, each four dollars. To John Finnegan, for services in summoning witnesses in said case, \$10.50.

SEC. 22. *Be it further enacted*, That the Comptroller issue his warrant to Clay Roberts for forty-two dollars (\$42.00), for services as Assistant Clerk for seven days, in the place of T. H. Reeves; and that the Comptroller issue his warrant to Isaac Clements for \$304.00, for services as Assistant Porter of the House, for 152 days, at two dollars per day. Clay Roberts.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 4, 1870.



STATE OF TENNESSEE,  
OFFICE OF THE SECRETARY OF STATE,  
*Nashville, March 28, 1860.* }

I, ANDREW J. FLETCHER, Secretary of State  
of the State of Tennessee, hereby certify that I  
have carefully collated the foregoing documents, with  
authentic copies on file in my office, and find them  
correctly printed.

A. J. FLETCHER,  
*Secretary of State.*



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**B**

a

Criminal Court, First District, abolished.....	11	1	11
Chancery Court at Dunlap, established.....	13	1	15
“ “ Montgomery, established.....	13	4	16
“ “ “ to try suits now at Kingston.....	60	4	78
Commissioners of Registration, acts of, confirmed.....	17	1	19
“ “ Act to remunerate.....	42	1	56
Court, Supreme, place of holding changed.....	18	1	20
Common Carriers, law as to, repealed.....	21	1	22
Criminal Laws, amended.....	22	1	23
“ “ “ .....	41	1	55
Chancery District, (Fifth,) changed.....	23	1	25
Carroll county, attached to ninth chancery district.....	23	1	25
Claims of loyal citizens, law repealed.....	27	1	37
County of Powell established.....	30	1	33
County of Lewis re-established.....	30	11	37
Counties of Henry and Carroll, line of, restored.....	32	1	40
“ Robertson and Montgomery, line of, changed.....	32	2	40
“ Davidson and Cheatham, line of, changed.....	32	4	40

	Chap.	Sec.	P.
Common Schools, Act to establish, repealed.....	33	1	
Clerks of Courts, Act in relation to.....	37	1	
"    "    when to pay over revenue.....	37	12	
Chancellors, to examine bonds of their clerks.....	37	1	
Criminal Law, Act to amend Amendatory Act.....	53	1	
Code, sections of, restored.....	61	1	
Conventional interest provided for.....	69	1	
Chattanooga, Law Court of.....	70	1	
Colored persons, descent of property of.....	75	1	
Commissioners of Registration, Act to compensate.....	76	1	
Comptroller, deprived of fees of his office.....	77	2	
Credit of the State sustained.....	81	1	
Cleveland Lodge, F. & A. M., title released to.....	83	1	
Contracts, public, Act to regulate.....	92	1	
Costs, certain, adjudged by U. S. against the State.....	96	1	
Comptroller to pay certain costs.....	96	1	
"    office fees of, disallowed.....	102	1	
Convention, Act to authorize.....	105	1	
"    Act to defray the expenses of.....	124	1	
Census of male inhabitants of the State.....	107	1	
Common Schools, Act to amend law of.....	110	1	
Courts of Shelby county, reorganized.....	28	1	
Court, Chancery, not to give judgment against purchasers without notice.....	43	1	
"    "    at Winchester, time of, changed.....	42	1	
"    "    at Benton, "    "    .....	60	1	
"    "    of Cannon, "    "    .....	60	3	
"    "    Common Law & Criminal, west of Reelfoot Lake County, powers of, enlarged.....	65	1	
"    Law, of Chattanooga.....	68	1	
"    Law, Special, of Humboldt.....	70	1	
County Commissioners of Madison county, repealed.....	5	1	
"    "    Davidson "    "    .....	6	1	
"    "    Jackson "    "    .....	6	4	
"    "    Putnam "    "    .....	6	4	
"    "    White "    "    .....	6	4	
"    "    Hickman "    "    .....	6	6	
"    "    Dickson "    "    .....	6	6	
"    "    Sumner "    "    .....	6	8	
"    "    Dyer "    "    .....	6	8	
"    "    Giles "    "    .....	6	10	
"    "    Shelby "    "    .....	6	12	
"    "    Fayette "    "    .....	15	1	
"    "    Van Buren "    "    .....	15	3	
"    "    Coffee "    "    .....	15	4	
"    "    Grundy "    "    .....	15	4	
"    "    all laws establishing "    "    .....	49	1	
"    "    "    "    "    "    .....	119	2	
County Judge, office of, Sumner county, abolished.....	6	8	
"    "    "    Shelby "    "    .....	6	12	
"    "    "    Giles "    "    .....	6	9	
"    "    "    Lincoln "    "    .....	7	1	
"    "    "    Smith "    "    .....	8	1	
"    "    "    Weakley "    "    .....	8	3	
"    "    "    Wilson "    "    .....	14	1	
"    "    "    Van Buren "    "    .....	15	3	
"    "    "    Decatur "    re-established.....	73	1	
"    "    "    Franklin "    continued.....	103	1	
"    "    "    Anderson "    repealed.....	111	1	
"    "    "    Cheatham "    "    .....	113	1	
"    "    "    Lincoln "    amended.....	114	1	

	Chap.	Sec.	Page.
any Lines between Smith and Putnam, changed.....	48	1	62
" " " Knox and Grainger " .....	48	3	62
" " " Roane and McMinn " .....	48	4	62
" " " White and DeKalb " .....	48	2	62
" " " Jefferson and Grainger " .....	48	5	62
" " " Morgan and Scott " .....	88	1	105
" " " Perry and Hickman " .....	88	4	105
any of Van Buren, added Eighth Circuit.....	60	2	78
" Scott, added Second Circuit.....	60	2	78
" Morgan, added Third Circuit.....	60	2	78
" Morgan, citizens of may vote on change of county seat.....	62	2	80
" Decatur, district of, changed.....	78	4	91
" Lewis, restored.....	88	3	105
" Washington and Powell, changed.....	88	6	106
" Williamson and Oeatham, changed.....	88	7	106
" Claiborne and Grainger, changed.....	88	8	106
" Hancock and Hawkins, changed.....	88	9	106

## D

ainer, forcible, law of, amended.....	64	1	81
ent, law of, as to colored persons.....	75	1	92
son county, Act for benefit of tax payers of.....	109	1	128

**E**

ence, rules of, Act to make uniform, amended.....	19	1	21
" " " " " " .....	78	1	95
tions, liquor shops on day of, to be closed.....	22	4	24
ing, time given to perfect.....	24	1	25
tions, time of holding in March, 1870, changed.....	62	1	80
" in place of Justices holding by appointment.....	63	1	80
" County Court may establish voting grounds.....	66	1	84
vention of male inhabitants of the State.....	107	1	125
ences of the session, appropriations for.....	124	1	139
" Convention, appropriations for.....	124	16	146

**F**

Mr. Thomas N., restored.....	16	1	18
able Entry and Detainer, law of, amended.....	64	1	81
Act to, floating debt of the State.....	77	1	93
Covert, may convey real estate.....	99	1	113
to Comptroller and Secretary of State, disallowed.....	102	1	116
of Railroad Tax Collectors.....	118	1	186
of County Registers reduced.....	123	1	189
Act for the benefit of.....	121	1	187

**G**

to, further time given to perfect.....	24	1	25
to take possession of certain railroads.....	34	1	43
to sell certain clothing and equipage.....	100	1	115

## H

Johnson county, added to Fifth Chancery District.....	23	1	25
Wood county, line of, changed.....	30	19	38
Reiboldt, Special Court of.....	70	4	88







## S

	Chap.	Sec.	Page.
Shelby County, Assessor of, to have further time.....	9	1	10
"    "    Additional justices of, repealed.....	10	1	11
"    "    Courts of, re-organized.....	28	1	28
School law repealed.....	83	1	41
State debt, Act for the payment of.....	47	1	61
Sheriffs and Constables, Act for relief of, repealed.....	55	1	68
Secretary of State, deprived of fees of his office.....	77	2	94
Steamboats, Acts for the protection of.....	89	1	107
Sheriffs, Act for the protection of, repealed.....	90	1	108
Soldiers Union, Act for benefit of, repealed.....	91	1	108
Secretary of State, office fees of, disallowed.....	102	1	116
School Fund Committee to set in vacation.....	106	1	122
School law amended.....	110	1	129
State guards, law for, repealed.....	116	1	135

## T

Theaters and other places of amusement, regulated.....	39	1	51
Taxes, penalty for non-payment of, repealed.....	50	1	64
Tennessee Hospital for the Insane.....	67	1	84
Taxation, widow of ex-President, exempt from.....	74	1	91

## U

Usury Laws, Act to amend.....	69	1	86
Union Soldiers, Act for the benefit of, repealed.....	91	1	108

## V

Voting to be done in Civil District or Ward.....	22	1	23
Venue, provisions of the Code as to, restored.....	61	1	79
"    Law as to, repealed.....	101	3	116

## W

Ward & Briggs, Act to adjust suits with.....	40	1	53
Weapons, deadly, carrying, forbidden.....	22	2	23
"    "    "    powers of Grand Jury, as to.....	41	1	55
Wife, a competent witness in certain cases.....	19	2	22
"    may dispose of lands in certain cases.....	99	1	113

# PRIVATE LAWS.

## CHAPTER I.

AN ACT to Incorporate the Young Men's Society, of Chattanooga, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. J. O'Brien, J. K. Kuhn, P. Wilton, J. Galvin, P. Walsh, H. W. Lynch, J. J. Oshea, F. F. Driscoll, John Murphy, C. H. Maning, M. Lincoln, J. Warren, G. Childs, H. Falty, Wm. Cotter, J. Sullivan, J. Cotter, P. Maloney, T. Allison, M. Pickett and their associates, successors and assigns, be and are hereby incorporated a body corporate and politic, under the name and style of the "Young Men's Society of Chattanooga, Tennessee," for mutual benevolent and literary purposes; that they shall have power to sue and be sued, plead and be impleaded, in all the courts of law and equity in this State; may purchase and hold real estate in their corporate capacity, receive and distribute donations of moneys, clothing, food, etc., among the members of the society; and do any and all acts not inconsistent with the laws of this or of the United States, for benevolent purposes only; but shall not have the privilege of banking.

Corporators.

Powers and Privileges.

They may make and use a common seal, and alter the same at pleasure; establish a constitution and by-laws, for the government of their society.

The officers of said society shall consist of one President, one Vice President, one Secretary and one Treasurer, with any subordinate officers they may desire to create in their constitution and by-laws.

Officers.

They shall have succession for thirty years. This Act to take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed October 27, 1869.

## CHAPTER II.

AN ACT to Amend An Act Passed Feb. 8, 1854, entitled "An Act to Amend the Corporation of the Town of Shelbyville."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections three (3) and four, (4,) of the chapter exciii, passed February 9, 1854, entitled "An Act to amend the corporation of the town of Shelbyville," be and the same is hereby repealed.

Election.

SEC. 2. *Be it further enacted*, That the Mayor of said town, and Recorder and Constable thereof, and an Alderman for each ward, shall be elected by the qualified voters in said corporation, at an election to be held at the Court House, in Shelbyville, on the last Saturday in October, in each year.

SEC. 3. *Be it further enacted*, That there shall be elected, an Alderman for each ward in said town, and that the Aldermen shall reside in the wards respectively represented by them.

How held, etc.

SEC. 4. *Be it further enacted*, That said election provided for, shall be held by the Sheriff of Bedford County, and such deputies as he shall appoint; and he shall give notice in writing, at the Court-house, in Shelbyville, for ten days, of the time and place of said election; and shall give each person elected, a certificate of his election within five days after the election, which certificate shall be spread upon the records of said corporation; *Provided*, the first election shall be held without the ten days' notice as required for subsequent elections.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed October 27, 1869.

## CHAPTER III.

AN ACT to Incorporate the Tennessee Patent Artificial Fuel Company, of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Emile F. Loiseau, C. F. Reguin, H. M. Smith, Hugh F. McGavock and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of "Tennessee Patent Artificial Fuel Company;" and by that name and style, shall have succession for thirty years; sue and be sued, plead and be impleaded, and generally to do every thing necessary and proper to carry out the provisions of this Act, and to promote the objects and designs of this corporation.

Corporators.  
Powers.

SEC. 2. *Be it further enacted, That* said corporation may open books of subscription to the capital stock of said "Tennessee Patent Artificial Fuel Company," and may receive subscriptions thereto; and, when the sum of ten thousand dollars (\$10,000) shall be subscribed, they may be closed; and a board of directors, consisting of not less than three and not more than five stockholders, shall be elected, one of whom shall be President, each stockholder being entitled to one vote for each share he may hold; a majority of such stock votes electing. The Board of Directors thus elected, shall hold their office for one year from the date of their election, or until their successors are elected; shall have the power to appoint such agents and officers as they may deem necessary for the proper transaction of the business of the company; shall establish such rules and regulations for its government; and may alter or amend the same whenever it may seem proper for them to do so; shall fill all vacancies that may occur amongst their number; and shall do and transact in behalf of the company, all such other acts as may be incident to such bodies, and necessary for the successful prosecution of any business in which they may engage under this charter.

Books.  
Directors,  
powers of, etc.

SEC. 3. *Be it further enacted, That* the capital stock of said company, shall be thirty thousand dollars, (\$30,000,) with the privilege of increasing the same to five hundred thousand dollars, (\$500,000,) to be divided into shares of one hundred dollars (\$100) each.

Capital stock.

Purposes.

SEC. 4. *Be it further enacted*, That the purpose, business and object of said company, shall be the procuring and preparation of all material, implements, machinery and tools, necessary, proper or convenient, for the purpose of manufacturing all and any kind of artificial fuel; but more especially the manufacture of Loiseau and Reguin's Artificial Fuel, as per letters patent, granted June 16, 1868; and the said company is hereby fully empowered and authorized to do and perform any and all such Acts hereinbefore specified; and to erect buildings, and do any and all things which are necessary or convenient in, about, and concerning such business, purpose or object; and the said company may have, hold or transfer, real or personal property, or both, when necessary or prudent in their business, or in order to secure debts due, or to become due by or to said company.

Liability.

SEC. 5. *Be it further enacted*, That each stockholder in said company, shall be individually liable, only for the amount of stock owned by him; and no assignment or transfer of stock shall be made until it has been offered first for sale to the directors, and been by them rejected.

This company shall pay such taxes as are paid by similar corporations, in the State of Tennessee.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed November 5, 1869.

## CHAPTER IV.

AN ACT to Incorporate the City of Chattanooga, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the City of Chattanooga, in the County of Hamilton, are hereby constituted a corporation and body politic, by the name and style of the "Mayor and Aldermen of the City of Chattanooga;" and by the same shall have succes-

sion for ninety-nine years; may sue and be sued; plead and be impleaded; in all the courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said city; and may sell, lease or dispose of the same for the benefit of said city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for the erection of water-works, for the establishment of a hospital, poor-house, work-house, or house of correction; and may sell, lease or dispose of said property for the benefit of the city; and do all other acts touching the same, as natural persons; and shall have a common seal, and change it at pleasure.

Powers and  
privileges.

SEC. 2. *Be it further enacted*, That the boundary of the city shall be as follows: Beginning at a point on the Tennessee River, where the north line of the south-east fractional quarter of fractional section twenty-one, in the second fractional township, west of the basis line of the Ocoee District, strikes the said river; thence south 70° east, to the north-east corner of said quarter section; thence south 20° west, to the township line dividing the second and third townships; thence north 70° west, along said township line to the middle of said river; thence up the middle of said river to a point opposite the beginning; thence in a direct line to the beginning.

Boundary.

SEC. 3. *Be it further enacted*, That the Act passed February 12, 1869, entitled "An Act to incorporate the Raleigh and Mineral Spring Hotel Company," be, and the same is hereby amended, so as to change the line of the corporate limits of the City of Chattanooga, Tennessee, commencing at a point in the center of the Tennessee River, opposite the corner of the Lindsey and George Gardenhire tracts of land, on the south bank of said river, and running with said line between said lands to a point where it strikes the Citizen's Cemetery; then along the line of said cemetery on the side next the river, to the Jewish Cemetery; thence in the same direction, a straight line, to the "right of way" of the East Tennessee and Georgia Railroad Company; thence in a north-east direction along the north side of said "right of way," to the present line of said incorporation.

Line changed

SEC. 4. *Be it further enacted*, There shall be a Board of Mayor and Aldermen to consist of two members from each ward, chosen by the qualified voters of each ward, respectively, for one year. No person shall be an Alderman unless he be a citizen of the State of Tennessee, and a *bona fide* resident and free holder in the ward for

Mayor and  
Aldermen.

which he is elected at the time of his election. Any Alderman after his election, removing from or ceasing to be a freeholder in his ward, shall thereby vacate his said office.

Oath of office.  
Vacancies. Each Alderman shall, before entering upon the duties of his office, take an oath that he will faithfully demean himself in said office. All vacancies in the Board of Aldermen shall be filled by the vote of a majority of the remaining members.

Election. SEC. 5. *Be it further enacted*, The Mayor shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

No person shall be elected Mayor who is not, at the time of his election, a citizen of the State of Tennessee, and a *bona fide* resident and freeholder of said city. When two or more persons shall have an equal number of votes for the office of Mayor, the election shall be decided by a majority of the votes of the Council elect.

A vacancy in the office of Mayor shall be filled in the same manner.

Vacancies. The Mayor may fill all vacancies occurring in any office, except that of Alderman, until the same be filled by election.

Mayors's duties. It shall be the duty of the Mayor to preside at all meetings of the Council; to take care that all the ordinances of the city are duly enforced, respected and observed within the city; to take an oath of office before he enters upon the duties of the same, and to call special sessions of the Board of Mayor and Aldermen, when he may deem it expedient.

Recorder, etc. SEC. 6. *Be it further enacted*, The Mayor and Aldermen shall appoint a Recorder, and define his duties; and shall have full power and authority to appoint all officers, servants and agents of the corporation, to fill such offices as they may deem necessary to create by ordinance, and shall fix the compensation of such officers.

They shall have power (a majority of the whole Board concurring) to dismiss any officer, servant or agent by them appointed.

New wards. SEC. 7. *Be it further enacted*, The Board of Mayor and Aldermen of said city may, at any time, lay off new wards, and adjust or change existing ones, always giving at least twenty days' notice of such change before any annual election for Aldermen.

SEC. 8. *Be it further enacted*, An annual election for Mayor and Aldermen shall be held in each ward of said



city by the judges of election appointed by the existing Board of Mayor and Aldermen of said city; *provided*, Annual election. that the first election after the passage of this Act, shall be held by the Sheriff of Hamilton County, on the third Thursday in November.

The voters shall vote by ballot, and only in the wards in which they may reside. Non-resident freeholders may Voting. vote in the ward where their freehold is situated, and not elsewhere.

Three judges of election, being freeholders in their respective wards, shall be appointed by the Mayor and Aldermen for each ward, who shall take an oath to faithfully and impartially discharge their duties, naming also the places where such election shall be held. Judges, etc.

They shall open the polls at nine o'clock in the forenoon, and close them at four o'clock in the afternoon, when they shall forthwith proceed to ascertain and certify Voting, etc. to the existing Mayor the result of said election. All persons owning a freehold in said city, and all persons resident therein, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at such election.

In all cases of a tie in the election of an Alderman, the election shall be referred back by the Mayor to the voters of the ward. The Mayor and Aldermen elect, shall meet on the first Monday after the third Thursday in November, in each and every year, and be qualified and enter upon the discharge of their duties. Tie, quorum, etc.

Two-thirds of the whole number of Aldermen elect being a quorum, competent to transact business.

SEC. 9. *Be it further enacted*, The Mayor and Aldermen shall have power by ordinance within the city :

1. To levy and collect taxes upon all property taxable by law for State purposes.

2. To levy and collect taxes upon all privileges and polls taxable by the laws of the State.

3. To appropriate money and provide for the payment of all debts and expenses of the city. General powers and privileges of Mayor and Aldermen.

4. To make regulations to prevent the introduction of contagious diseases in the city, to make quarantine laws for the purpose, and enforce the same within the corporate limits of the city.

5. To establish hospitals, and make regulations for the government thereof.

6. To establish a system of free and other schools, and to regulate the same.

7. To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

8. To provide the city with water by waterworks or otherwise, within or beyond the boundaries of the city.

9. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair, streets, alleys and sidewalks, or to have the same done.

10. To erect, establish, and keep in repair, bridges, culverts, sewers and gutters.

11. To provide for lighting the streets and public buildings.

12. To establish, support and regulate watchmen by day and by night.

13. To erect market houses, establish markets and regulate the same.

14. To provide for the erection of all buildings necessary for the use of the city.

15. To provide for inclosing, improving and regulating all public grounds belonging to the city in or out of the corporate limits.

16. To erect and repair public wharfs, and regulate all wharfs, docks and landings, and to fix the rate of wharfage thereat; and to regulate ferries so as not to conflict with the laws of Tennessee.

17. To restrain and prohibit gaming.

18. To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, bank agencies, coffee houses, confectionaries, retailers of liquors, hawkers, pedlars, ten pin alleys, billiard tables, and livery stable keepers.

19. To license, tax and regulate hackney carriages, carts, omnibuses, wagons and drays; and to fix the rate to be charged for the carriage of persons, and of property within the city, and to the public works without the limits of the city.

20. To license and regulate porters, and to fix the rate of per centage.

21. To license, tax and regulate theatricols, and other exhibitions, shows and amusements.

22. To protect and suppress disorderly houses and bawdy houses.

23. To provide for the prevention and extinguishment of fire; to organize and establish fire companies; to regulate, restrain and prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufacturies dangerous in causing or producing fires.

24. To regulate the storage of gun powder, tar, pitch, rosin, salt petre, gun cotton, and all other combustible

General powers and privileges of Mayor and Aldermen.

ame.

city by the judges of election appointed by the existing Board of Mayor and Aldermen of said city; *provided*, Annual election. that the first election after the passage of this Act, shall be held by the Sheriff of Hamilton County, on the third Thursday in November.

The voters shall vote by ballot, and only in the wards in which they may reside. Non-resident freeholders may Voting. vote in the ward where their freehold is situated, and not elsewhere.

Three judges of election, being freeholders in their respective wards, shall be appointed by the Mayor and Aldermen for each ward, who shall take an oath to faithfully and impartially discharge their duties, naming also the places where such election shall be held. Judges, etc.

They shall open the polls at nine o'clock in the forenoon, and close them at four o'clock in the afternoon, when they shall forthwith proceed to ascertain and certify Voting, etc. to the existing Mayor the result of said election. All persons owning a freehold in said city, and all persons resident therein, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at such election.

In all cases of a tie in the election of an Alderman, the election shall be referred back by the Mayor to the voters of the ward. The Mayor and Aldermen elect, Ties, quorum, etc. shall meet on the first Monday after the third Thursday in November, in each and every year, and be qualified and enter upon the discharge of their duties.

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3. To appropriate money and provide for the payment of all debts and expenses of the city. General powers and privileges of Mayor and Aldermen.

4. To make regulations to prevent the introduction of contagious diseases in the city, to make quarantine laws for the purpose, and enforce the same within the corporate limits of the city.

5. To establish hospitals, and make regulations for the government thereof.

6. To establish a system of free and other schools, and to regulate the same.

7. To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

Calaboose.

SEC. 12. *Be it further enacted*, That the Mayor and Aldermen of Chattanooga shall have power to erect a workhouse and lockup, or calaboose, for the safe keeping of persons; and when any person convicted of a violation of any ordinance of said corporation, fails or refuses to pay or secures to be paid, the fine and costs accruing thereon, the Mayor and Aldermen may provide by ordinance, for their confinement in said lockup or workhouse, and put them to work for the city, either within an inclosure or on the streets, and other public works for the city, under proper guard, at such wages as the Board may adopt by ordinance, until said fine and costs are paid.

SEC. 13. *Be it further enacted*, That the territory included in the boundary of the City of Chattanooga, as defined in the second section of this Act, shall be and constitute a Civil District of Hamilton County, and shall be entitled to elect three Justices of the Peace.

Marshall.

SEC. 14. *Be it further enacted*, That the City Marshal and regular constituted watchmen of said city, shall have power to execute State warrants and other process which constables generally have power to execute within the limits of the corporation.

Borrow money on bonds, etc.

SEC. 15. *Be it further enacted*, That the corporation of Chattanooga shall have full power to borrow money on its bonds for any object that its authorities may determine to be important to the promotion of its welfare, and that it not made improper by existing law; *provided*, that the sum borrowed under the provisions of this section shall not exceed the sum of fifty thousand dollars, without being specially authorized so to do, by a majority of the qualified voters of said city, expressed by an election to be held for that purpose; *and provided further*, that said bonds shall not bear a higher rate of interest than six per cent. per annum, and that nothing herein contained, shall be so construed as conferring on said corporation a power to issue paper that shall circulate as money.

Ordinances.

SEC. 16. *Be it further enacted*, All ordinances and regulations heretofore enacted by the Mayor and Aldermen of the City of Chattanooga, and not rescinded or repealed by them, shall be and remain in full force until altered, modified, or repealed, under this Act.

Election.

SEC. 17. *Be it further enacted*, That the City Marshal shall be elected by the qualified voters of the City of Chattanooga at the same time the Board of Mayor and Aldermen are elected; and that he shall be voted for in each ward as the Mayor is voted for; and he shall give

in bond and security for the performance of his duty the Board of Mayor and Aldermen may require.

SEC. 18. *Be it further enacted*, That all Acts and parts <sup>Repealed,</sup> Acts contrary to and inconsistent with the provisions of this Act, be, and the same are hereby repealed.

SEC. 19. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed November 10, 1869.

## CHAPTER V.

**AN ACT to Re-establish Wards in the Town of Murfreesboro, and for other purposes.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 7, 8 and 9, of An Act, entitled "An Act to alter and amend the Acts, incorporating the town of Gallatin, in the county of Sumner, and for other purposes," passed December 3, 1867, be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That the wards established in the town of Murfreesboro under An Act passed December 12, 1865, be and the same are hereby re-established. <sup>Wards.</sup>

SEC. 3. *Be it further enacted*, That there shall be elected at the next election for municipal officers for the town of Murfreesboro, in the county of Rutherford, one Mayor, <sup>Election of</sup> one Town Constable and one Recorder, for said town, and <sup>town Officers.</sup> six Aldermen. The Mayor shall own property and be a tax payer, within the corporate limits, as shall all the corporate officers.

SEC. 4. *Be it further enacted*, That no Alderman shall be elected, except from the ward in which he may at the time elected reside, and own property, and be a tax payer; and should any person be elected an Alderman, and after <sup>Qualifications</sup> said election and previous to the expiration of his term of office, remove from said ward from which he was elected,

the office shall thereby become vacant, and the Board of Aldermen may, by ballot, in open board, elect another to fill the vacancy for the unexpired term.

How elections  
to be held.

SEC. 5. *Be it further enacted*, That the election for officers as provided for in this Act, shall be held by the Sheriff of the county, who shall open the poles in at least one place in each ward of the town, and shall conduct the same as other general and popular elections are conducted, and shall issue certificates of election to the person or persons receiving the highest number of votes, which certificates shall become a part of the records of the corporation of Murfreesboro.

Terms of  
office.

SEC. 6. *Be it further enacted*, That the officers elected under this Act, shall hold their office for the term of one year with the usual restrictions for good behavior, and until their successors are elected and qualified.

SEC. 7. *Be it further enacted*, That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives*  
D. B. THOMAS,  
*Speaker of the Senate*

Passed November 23, 1869.

## CHAPTER VI.

AN ACT to Change the Name of the Manhattan Savings Bank, Memphis, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the name of the Manhattan Savings Bank of Memphis, be and the same is hereby changed to the Manhattan Bank.

Citizens' Deposit Bank of Nashville. SEC. 2. *Be it enacted by the authority aforesaid*, That section 10, chapter 49, of An Act passed February 1, 1869, be amended by striking out the words "The Citizens' Deposit Bank of Nashville," and insert "The Citizens' Deposit Bank of Nashville;" and by the latter name

thed with all the rights, privileges and powers, by said  
arter conferred on the City Deposit Bank of Nashville.

SEC. 2 *Be it further enacted*, That this Act take ef-  
et from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate.*

Passed November 23, 1869.

## CHAPTER VII.

AN ACT to Incorporate the Town of Galloway, in Fayette County,  
Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of  
the State of Tennessee*, That the citizens of Galloway, in the  
County of Fayette, and State of Tennessee, are hereby Powers.  
incorporated by the name of Mayor and Aldermen; and  
by that name sue and be sued; contract and be con-  
tracted with; hold real and personal property; assess taxes  
to improve the streets and public square; and pass all ordi-  
nances necessary for the benefit and good order of the town.

SEC. 2. *Be it further enacted*, That the boundary line  
of said corporation, shall be as follows: Beginning at  
the corner of F. S. Layton's and E. F. Thomas' lots; Boundary  
running south-west 91 poles, to the Brownsville and Mem-  
phis road; thence south of east  $54\frac{1}{2}$  poles, to a stake;  
thence north-east 91 poles, to an elm tree; thence north of  
west  $54\frac{1}{2}$  poles, to the beginning.

SEC. 3. *Be it further enacted*, That there shall be Election of  
elected by the qualified voters of said town, a Mayor and town officers,  
six Aldermen, and one Town Constable, who shall hold etc  
their offices for twelve months, and until their successors  
are elected and qualified; and it shall be the duty of the  
Sheriff of the county, to open and hold an election after  
giving ten days' notice; and afterwards it shall be the  
duty of the Town Constable to hold all elections to fill  
any vacancies that may occur, he having given bond and  
security in such sum as may be fixed by said board of  
Mayor and Aldermen, for the faithful performance of his  
duty.

Powers of  
Mayor and  
Aldermen.

SEC. 4. *Be it further enacted*, That the Mayor and Aldermen shall have power, by ordinance, in said corporation, to levy and collect taxes on all property, taxable by law for State purposes; and, upon all privileges and profits taxable by the laws of the State; to appropriate money as may be necessary to provide for the debts and expenses of the town; to prevent and remove nuisances; to open, alter, abolish, widen, extend, grade, establish, improve, preserve and keep in good repair, the streets and sidewalks; to establish patrols and watches; to regulate and suppress all disorderly houses and houses of ill-fame; and to provide for arrest and confinement, until trial, of all vagrants, riotous or disorderly persons, within the limits of the town; to impose fines, forfeitures and penalties, for the breach of any ordinance or by-law, and to provide for their recovery.

Work-house.

SEC. 5. *Be it further enacted*, That the Mayor and Aldermen may, as soon as practicable, after the passage of this Act, erect, purchase or rent, and organize, a work-house, within the limits of the town; and any person who shall neglect, fail or refuse to pay any fine or cost imposed upon him or her, by any ordinance of the town, shall be committed to the work-house until such fine and cost is paid, or secures the same, or is discharged by due course of law. Every person so committed to the work-house shall be required to work for the town, within or without the work-house, not exceeding ten hours each day; and for such, shall be allowed one dollar and board per day, until such fine and cost is discharged, when such person shall be released.

Mayor.

SEC. 6. *Be it further enacted*, That the Aldermen elected shall judge of their own qualifications, and those of the Mayor and other corporate officers.

SEC. 7. *Be it further enacted*, That the Mayor shall act as the President of the Board of Aldermen; and, in his absence, the Aldermen shall choose one of their number *pro tem*.

SEC. 8. *Be it further enacted*, That no person shall be elected or qualified as Mayor or Alderman, who is not a *bona fide* resident of the town, at the time of election.

Duties of.

SEC. 9. *Be it further enacted*, That the Mayor shall be *ex-officio* Recorder and Treasurer, and shall give bond with good and sufficient security, in the sum of — dollars, payable to the Board of Aldermen and their successors in office, conditioned upon the faithful and honest discharge of the duties of his office; said bond to be filed with the Clerk of the County Court. The Mayor shall also keep all the records of the Council. That the Mayo



of the town of Galloway shall be, and he is hereby invested with concurrent jurisdiction with Justices of the Peace in all cases of the violation of the criminal laws of the State, or the ordinances of the Mayor and Aldermen of the town of Galloway, within the limits of said corporation.

SEC. 10. *Be it further enacted*, That every law or ordinance passed by the Board of Aldermen, shall, before it goes into effect, receive the approval and signature of the Mayor.

SEC. 11. *Be it further enacted*, That the Town Constable shall have full power and authority to collect all fines, forfeitures and costs, which may be imposed upon any person or persons, for any violation of the by-laws and ordinances of said corporation; and shall have the same power and authority in the collection of the same, <sup>Powers of Town Constable.</sup> any where in the county of Fayette, as are now had and enjoyed by any of the civil officers for said county. He shall also collect all taxes that may be assessed by the Board; and he shall give his official receipt for all such taxes, to the tax-payers; and shall have the same right to collect by process of law, as are now allowed to collectors of county and State tax; and shall be governed by the same laws governing such tax collectors; and he shall pay all such public moneys, when collected, to the Mayor, and take his receipt for the same. He shall have further power and authority to arrest any person or persons charged with a violation of the by-laws of said corporation, any where in said county of Fayette, and bring them before the Mayor to answer the penalties imposed by the Mayor and Aldermen. He shall also perform such other duties as may be provided by ordinance.

SEC. 12. *Be it further enacted*, That the boundary of the corporation of the town of McMinnville, be enlarged <sup>Town of McMinnville.</sup> as follows: Beginning at the Railroad Bridge over the Barren Fork of Collins' River; running thence up the McMinnville and Manchester Railroad to the junction of the South-western Railroad; thence up the Southwestern Railroad to the culvert over the Town Spring Branch; thence in a direct line to J. W. Mitchell's, so as to include his improvements; thence to the mouth of North Spring Branch, so as to include Judge S. J. Walling's improvements; thence to the south-east corner of Rev. John Powell's lands; thence westwardly in a direct line, so as to embrace L. B. Waters' improvements; thence to the Round House, so as to include the lots and improvements of the same; thence westwardly <sup>Boundary line.</sup>

to the street or lane east of James Hughes' residence thence southwardly with said street or lane, to the Nashville road; thence in a direct line to the spring near the river, known as the Richardson Spring; thence in a direct line to the beginning.

Additional  
Justice.

SEC. 13. *Be it further enacted*, That the corporation of McMinnville shall be entitled to elect one additional Justice of the Peace for said corporation, in the same manner as other officers are elected.

Academy of  
the Immacu-  
late Concep-  
tion.

SEC. 14. *Be it further enacted*, That the institution known and designated by the name of the Academy of the Immaculate Conception, in Jackson, Tennessee, shall consist of such members and to be subject to such government, as is hereinafter provided.

Corporators,  
etc.

SEC. 15. *Be it further enacted*, That said institution shall consist of four members, to wit; Vincencia Fitzpatrick, Mary Pius Fitzpatrick, Dominica Fitzpatrick and Josephine Whelom, who, and their successors, by the name of the Academy of the Immaculate Conception, shall be a body politic and corporate, and have succession for ninety-nine years; and said corporation may obtain and hold by purchase or otherwise, any property, real or personal and may dispose of the same for the purposes of said institution, and not otherwise.

Powers.

SEC. 16. *Be it further enacted*, That said members and their successors, shall have power to make such rules and by-laws for the government of said institution as they may deem necessary; to elect a superior to preside over the same for such time as said members may designate; and further, to elect such other officers and agents as may be proper.

SEC. 17. *Be it further enacted*, That this charter may at any time, be repealed or modified; *provided that*, if said corporation should be dissolved all its property, real and personal, shall remain and vest in the members of said corporation for their use and benefit.

Degrees.

SEC. 18. *Be it further enacted*, That said institution or corporation, shall have the power to confer such literary honors, degrees and testimonials, as are conferred in institutions of like kind and grade.

SEC. 19. *Be it further enacted*, That said corporation shall have and enjoy, for the purpose of accomplishing the full objects of the same, all the powers and privileges which are by law exercised by like institutions.

Vacancies.

SEC. 20. *Be it further enacted*, That all vacancies in the membership of said corporation shall be filled by a majority of the remaining membership.

SEC. 21. *Be it further enacted*, That property, real and personal, held by said corporation for the purposes hereinbefore mentioned shall be exempt from taxation.

SEC. 22. *Be it further enacted*, That J. H. Crouch, Jno. B. White, A. G. Register, Jas. Haws, David Rush, S. H. Ball, S. K. H. Patton, W. C. Newell, W. S. White, G. D. Poston, Geo. W. Hilliard, J. K. P. Hall, R. M. Hopper and their successors and assigns, be and are hereby created a body corporate and politic, under the name and style of "Masonic Normal College, at Fall Branch, Washington County, Tennessee," with the power of ninety years succession; and by that name may sue and be sued, plead and be impleaded in any court of justice in this State, or of the United States. Corporators.

SEC. 23. *Be it further enacted*, That the said corporation may obtain and hold by purchase or otherwise, any property, real or personal; and may dispose of the same at pleasure for the purposes of the association, and not otherwise. Powers, etc.

SEC. 24. *Be it further enacted*, That the said corporation shall have power to enact by-laws for their own government and the government of the institution under their charge, confer degrees, create and use a seal, and abolish the same at pleasure, and to create such offices as may be necessary; *Provided*, such by-laws are not inconsistent with the laws of this State or the United States. Vacancies to be filled by the majority of the members of the corporation. Fame.

SEC. 25. *Be it further enacted*, That this charter may, and hereby grants the power to said corporation to conduct said college for the purpose of advancing the general educational interest of male and female pupils, with normal departments.

SEC. 26. *Be it further enacted*, That, if said corporation be at any time dissolved, all of its property, real and personal, shall remain and vest in the association, or parties owning the same prior to the passage of this Act; and that the Masonic Temple already erected, and ones hereafter erected together with lands pertaining thereto, be and are hereby declared free of taxation, so long as used for the purposes herein specified. Dissolution

SEC. 27. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
Speaker of the House of Representatives.  
D. B. THOMAS,  
Speaker of the Senate.

Passed November 24, 1869.

## CHAPTER VIII.

AN ACT to Incorporate the Union City Manufacturing Company.

**Corporators.** SECTION 1. *Be enacted by the General Assembly of the State of Tennessee,* That George W. Gibbs, George H. Cary, James Turner, W.F. Mathews, John A. Coffin, Jesse Garrett, A. Patton, Cal. Pleasants, Hugh Catron, Dr. John Rhea, C. N. Gibbs, and their associates and successors, are hereby created a body politic and corporate under the name and style of the "Union City Manufacturing Company," for the purpose of manufacturing and repairing all and every kind of machinery, engines and agricultural implements; to carry on a general foundry, and casting business; to manufacture all kinds of goods and articles from cotton, hemp, wool, flax, and silk; and for that purpose, may erect all necessary buildings, store houses, depots, machinery stocks, tanks, engines and all other fixtures, implements and apparatus, necessary for successfully carrying out the spirit of this charter; and by that name may sue and be sued, plead and be impleaded, appear, and prosecute and defend, in any Court of law, or equity; and may have a common seal, the same alter and renew at pleasure; and may enjoy all the privileges incident to corporations, for the term of fifty years, with the privilege of renewal; and may purchase, hold, mortgage, transfer and convey any real and personal estate.

**Purposes and powers.**

**Capital stock.** SEC. 2. *Be it further enacted,* That the capital stock of said company, shall be one hundred thousand dollars, with the privilege of increasing the same, not to exceed five hundred thousand dollars, the same to be divided into shares of fifty dollars each; that as soon as twenty thousand dollars of said capital stock shall be subscribed, said company may commence active operations; that said stock may be subscribed in money or in personal or real property, as may be agreed upon.

**Subscription books, organization, etc.** SEC. 3. *Be it further enacted,* That any three of the persons herein before incorporated, may open books, and receive subscriptions to the capital stock of said company; and when the sum of twenty thousand dollars is subscribed, shall call a meeting of the stockholders, who shall organize said company by the election of a Board of Directors, to consist of five stockholders, one of whom shall be elected President; and when organized, said Board of Directors shall elect a Secretary, Treasurer and

Superintendent, and such other officers as may be necessary for successfully carrying out the operations of this company; make such by-laws, alter and amend the same at pleasure, for the government of the corporation, as may seem meet and proper, not inconsistent with the Constitution and laws of the United States, and of this State. The said Board of Directors, shall continue in office for one year, or until their successors are elected by the stockholders. A majority of the Board of Directors shall constitute a quorum to do business; may declare and pay dividends on the capital stock from time to time. The stockholders may vote at all elections in person or by proxy, and shall cast one vote for each share of capital stock; that the stockholders shall be individually liable for the amount of stock subscribed by each, until the same is paid in full, in money or by the transfer of property, real or personal, as hereinbefore provided; the subscriptions to be paid in such manner as the by-laws shall provide; no stockholders to be allowed certificates for stock, or allowed to vote in the same, beyond the amount actually paid in.

By-laws, etc.

Quorum,  
voting, etc.

SEC. 4. *Be it further enacted*, That all future Boards of Directors shall be elected by the stockholders at their annual meetings, which Boards of Directors shall be vested with like powers and privileges as those granted to the original Board; to elect all officers named in the third section of this Act; to amend the by-laws of the company; to provide for the transfer of the stock owned by the stockholders; to keep a stock book, in which shall be entered the name and residence of each stockholder, and the amount of stock held by each, the date of such transfer, and to whom made; also books showing the assets and liabilities of said company, of what they consist, the profit and losses of the same; which books shall be subject to the inspection of the stockholders at all times.

Powers of  
Directors.

SEC. 5. *Be it further enacted*, That said company may establish each class of manufactures herein named, by itself, as a branch of the original company, but at all times to be under the control of the mother company.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed November 27, 1869.

## CHAPTER IX.

AN ACT to Amend the Charter of the Corporation of Milan, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section second of An Act passed February 15, 1866, be and the same is hereby so amended that the election for Mayor and Aldermen of the town of Milan, in Gibson County, Tennessee, shall hereafter be holden on the second (2) Saturday in December, of each year, and that the offices of Mayor and Aldermen and Constable of said town, be, and the same are hereby declared vacant, from and after the election to be held on the second (2) Saturday in December, 1869; *provided*, that the first election for Mayor and Aldermen, of said town, shall be held by the Commissioner of Registration for Gibson County, Tennessee, and after that, by the Town Constable, of said town.

Election.

SEC. 2. *Be it further enacted*, That, from and after the passage of this Act, an appeal shall be from the decisions of the Mayor or Recorder of said town to the Circuit Court of Gibson County, Tennessee, in all cases where an appeal would lie from a Justice of the Peace.

Appeals.

SEC. 3. *Be it further enacted*, That the corporation of the town of Milan, in Gibson County, Tennessee; and the town of Dresden, in Weakley; and the town of Clifton, in Wayne County, be, and the same is hereby, entitled to an additional Justice of the Peace, who shall be elected on the second (2) Saturday in December, 1869.

Additional Justices.

SEC. 4. *Be it further enacted*, That An Act passed December 11, 1866, be, and the same is hereby, so amended as to allow an appeal from the decisions of the Mayor and Recorder of the town of Humboldt, in Gibson County, Tennessee, to the Law Court of Humboldt, in all cases, where an appeal would lie from a Justice of the Peace in this State.

Humboldt.

SEC. 5. *Be it further enacted*, That the appeals provided for in this Act, shall be subject to no other or further restrictions, than are now imposed by law upon appeals from Justices of the Peace.

SEC. 6. *Be it further enacted*, That the town of Cross Plains, in the County of Robertson, be, and the same is hereby entitled to an additional Justice of the Peace, who shall be elected by the qualified voters of the district in

Cross Plains.

which said town is located, on the third (3) Saturday in December, 1869.

SEC. 7. *Be it further enacted*, That the inhabitants of the town of Fall Branch, are hereby constituted a corporation and body politic, by the name and style of the Mayor and Aldermen of the town of Fall Branch; and by that name shall have perpetual succession; may sue and be sued; plead and be impleaded, in any of the courts of this State; may purchase and sell, receive and hold property, real, personal or mixed, within or without the corporation; and shall have and use a common seal, and may change the same at pleasure.

SEC. 8. *Be it further enacted*, That the boundary line of said corporation shall be as follows: Beginning in the center of Main Street half way between the property of T. H. Reeves, and A. R. Moulton, and from thence, in every direction, one-fourth of a mile; and the qualified voters residents within said corporation, six months next preceding the day of election, shall, on the first Saturday of March, 1870, proceed to elect a Mayor and three Aldermen; which election shall be held by any constable of either of the counties of Washington, Sullivan, and Greene, whose district borders on Fall Branch; and whose certificate of election shall authorize the Mayor and Aldermen to qualify and enter upon the discharge of their duties, for one year, or until their successors are elected and qualified.

SEC. 9. *Be it further enacted*, That An Act passed November 21, 1867, entitled "An Act to reduce the several Acts incorporating the town of Morristown, in one Act, and to amend the same," or so much thereof, not inconsistent with this Act, as may be applicable hereto in carrying out the objects of this incorporation, is hereby declared to be, and shall constitute a part of this Act.

SEC. 10. *Be it further enacted*, That all laws in conflict with this Act, be, and the same are hereby repealed; and this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed November 27, 1869.

## CHAPTER X.

## AN ACT to Amend the Charter of Gallatin.

Acts re-enacted.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 1, 2, 3, 4, 5 and 6, of An Act passed December 3, 1867, and sections 38 and 39 of An Act passed February 27, 1869, to amend the charter of the town of Gallatin, are hereby repealed, and the Acts which said sections repealed are hereby re-enacted and restored.

Boundary line.

Same.

SEC. 2. *Be it further enacted*, That the boundaries of the town of Gallatin, shall be as follows, viz: commencing at the bridge on the Nashville and Gallatin Turnpike; thence west with the Red River Pike, and including it to Blythe Street; thence with Blythe Street north, and including it, till it reaches a point where a line running west from the southern boundary of the Trimble place, intersects said street; thence east to the east side of the L. & N. Railroad, the west corner of the Trimble place, and the Fowler lot, and continuing said line east with the south boundary line of the Trimble place, across the Dobbin's Pike, till it reaches a point where the extension of the street from the creek, would cross the old Trimble south boundary line; thence south to the creek, including the street or alley east of the Baker Addition; thence down the creek to the first street; thence south, and including said street to the property of Haywood Turner; thence east with his property to his east corner; thence in an eastern direction, so as to include the occupied lots, till it reaches J. G. Turner's line; thence in an eastern direction, so as to include the improvements, yard and garden of J. G. Turner, the foundery of J. Nicholson, till it reaches the north-east corner of A. Barbee's; thence south to the Scottsville Pike; thence with, and including the Pike to the north-east corner of S. F. Schell's property; thence south with the Wilson line, till it reaches the farm formerly owned by John Parkers; thence west with the north boundary of said farm, to the Woods Ferry Pike, opposite Mr. Watkins' property; thence down the east side of said pike till it reaches the south side of the avenue leading to the Cotton Factory; thence with the south boundary of the same to the end of said avenue; thence south far enough to include the factory buildings and out-buildings; and commencing then at the north-west corner of the fac-



tory lot, and running to the south-east corner of the grave-yard; thence west with the grave-yard to the creek, and thence up with the creek to the beginning, at the bridge.

SEC. 3. *Be it further enacted*, That an election for Mayor and Aldermen shall be held on the second Saturday of December next, the same to be held by the Town Constable; and if he cannot hold it, then it shall be held by the Sheriff or his Deputy; and said election shall be held immediately thereafter. And the Mayor and Aldermen shall be freeholders of the value of five hundred dollars in said corporation. Election.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 27, 1869.

## CHAPTER XI.

AN ACT to Repeal An Act Incorporating the Boulevard Turnpike, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 27 and 29, chapter 58, of An Act passed March 9th, 1867, entitled "An Act to Incorporate the Boulevard Turnpike Company, and for other purposes," be, and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That the Acts repealed in sections 26 and 28 of said chapter 58, be, and they are hereby revived, and this Act take effect from and after its passage. Acts revived.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 6, 1869.

## CHAPTER XII.

AN ACT to Incorporate the Henderson Male and Female Institute, and for other purposes.

**SECTION 1.** *Be enacted by the General Assembly of the State of Tennessee,* That Dr. John D. Smith, Dr. S. A. Smith, Dr. John F. Sherrill, Dr. H. W. Sherrill, Rev. D. J. Franklin, John West, P. B. Farrow, A. B. Crook, G. L. Ross, C. M. Cason, I. J. Galbraith, and their successors, be, and they are hereby, constituted a body politic and corporate, by the name of the Trustees of Henderson Male and Female Institute, and shall exist for the term of ninety-nine years; and be capable in law or equity to purchase, and receive, and hold themselves and their successors, any lands, tenements, goods or chattles, which shall be given, granted or devised to them, or purchased by them for the use and benefit of said Institute; and the said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State, or elsewhere.

Corporators.

Powers and privileges.

**SEC. 2.** *Be it further enacted,* That the Trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places, as they may think proper, to elect one of their members President, and a Secretary, and a Treasurer; and five members may constitute a quorum to transact any business that may come before the body at their meetings; and they shall have power to fill all vacancies that may occur by death, resignation, or otherwise.

Meetings, etc.

**SEC. 3.** *Be it further enacted,* That said Board of Trustees shall have a common seal; and shall have power to make such regulations relative to said institution and the government thereof, and their own proceedings, as they may deem right and proper; *Provided* they are not inconsistent with the Constitution and Laws of Tennessee; to employ a Faculty to take charge of the different departments of learning; shall have a regular prescribed course of study, which is usually pursued in our High Schools and Colleges.

By-Laws, rates, etc.

**SEC. 4.** *Be it further enacted,* That when any student has completed the course of study prescribed, the Faculty, by the advice and consent of the Trustees, may confer such degrees and honors as are usually conferred by other chartered institutions.

Degrees.

SEC. 5. *Be it further enacted*, That the Model Eclectic Institute, or Tabernacle of Tipton County, Tennessee, be incorporated with all the powers and privileges conferred on the Henderson Male and Female Institute. Model Eclectic Institute.

SEC. 6. *Be it further enacted*, That sections 1, 2, 3 and 4, of An Act passed 13th February, 1868, chapter 50, entitled "An Act to incorporate the Masonic Orphan's Home, and for other purposes," be, and the same are hereby, amended, in the manner and form following, that is to say:

I. That Thompson Anderson, D. F. Wilkin, John Frizzell, John McClelland, Anson Nelson Joseph S. Carels, Horace H. Harrison, William P. Jones, Morton B. Howell, James McCallum, A. M. Hughes, Joseph M. Anderson, Townsend A. Thomas, A. J. Wheeler, John Norman, J. M. Gilbert, Jonathan S. Dawson, A. V. Warr, Alfred P. Hall, William Maxwell, John F. Slover, John W. Paxton, R. M. Barton and William A. Nelson, and their successors, be, and they are hereby, incorporated under the name and style of the "Masonic Orphan's Home," with capacity to sue and be sued; to have and to use a common seal; to take by deed, gift, demise or bequest, or to purchase real or personal property; and to erect such buildings as may be necessary and proper for the care, management, and education of the orphans of deceased Masons in Tennessee, and the children of indigent members of the order, as well as the care, maintenance and support of the indigent widows of deceased members of the order, and the indigent, aged and infirm of the members thereof; and to do all things necessary and proper for the well-being of the institution, and the due management and well-ordering of its affairs; and to this end they may make locations and erect buildings at one or more places in the State, as they may determine. Masonic Orphan's Home.  
Corporators.  
Powers and privileges.

II. The Board of Managers of said institution shall have power so receive and retain under its control and management all such children of the description aforesaid, as may be brought to it for that purpose, and when so received, to detain, educate and control, until discharged therefrom. They may receive, provide for, and maintain the indigent widows of deceased Masons, and the indigent, aged and infirm members of the order, under such rules and regulations as may be prescribed by said Board. Said Board of Managers shall have succession for ninety-nine years, and may appoint such officers and agents as may be necessary for carrying the benevolent objects of the institution into effect, and the same to remove at pleasure; and Same.

it may pass such by-laws for the regulation and government of the affairs of said institution as may be deemed proper, not repugnant to the Laws or Constitution of the State of Tennessee, or of the United States; and may alter, amend, or abrogate any of said by-laws as may be therein provided.

Board of  
Managers.

Vacancies, etc

Representa-  
tives.

III. That the corporators aforesaid, and their successors, shall constitute a Board of Managers for said institution, any five of whom shall constitute a quorum for the transaction of business, under such restrictions as may be imposed by the by-laws. Vacancies in the Board of Managers shall be filled by appointments made by the Board at any meeting thereof, the persons thus appointed to constitute regular members of the Board, subject, however, to ratification or rejection by the advisory members thereof. Death, resignation, or removal from the State, shall create a vacancy, and the Board may, for any cause, declare vacant the position of any member thereof. Every regularly constituted body of Free and Accepted Masons, contributing to the endowment fund of said institution, and the contribution of which may be accepted by the Board of Managers, shall have the power and authority to appoint a representative to attend the annual meetings of the Board of Managers as an advisory member thereof, with the privilege as such, of representing in such manner as may be prescribed by the by-laws, the amount which may have been contributed by the body he represents. Said Board of Managers shall, once in each year, hold a meeting, to be denominated the *annual meeting*, at which the election of officers of the Board shall take place, and the condition of said institution exhibited.

Endowment  
Fund.

IV. The corporators aforesaid, and their successors, may endow said institution in such sum as may be raised for the purpose, and in such manner as may be determined by the Board of Managers; and the amount so raised may be loaned from time to time, upon such security as the Board of Managers may determine; and the same shall be, as the Board may direct, permanently invested upon mortgages on real estate, with lawful interest, payable as may be agreed upon by the parties. All amounts contributed to the endowment of said institution shall revert to the donors, should the institution, at any time, cease to exist, or fail as it may have the ability, to provide for the indigent persons hereinbefore mentioned. Neither the contributions made to said institution, nor any of its property or assets, except such as may be derived from the business of Life Assurance, shall in any manner, be liable for any loss or damage which it may incur by insuring lives, or in any

transaction growing out of Life Assurance by said institution, or the granting, purchasing or disposing of annuities, the investing of trust funds, or making insurance against accidents.

V. Said Board of Managers, and their successors, may, under the restrictions and limitations herein contained, exercise and enjoy all the privileges and franchises granted by the fourth section of said Act; and for this purpose it is authorized and empowered to form a joint stock company, with a capital stock of not less than two hundred thousand dollars, which may be increased to such sum as may be necessary for the prosecution of its business, and upon such terms and conditions, not inconsistent with the provisions of this Act, as may be determined by the Board of Managers. Said capital stock to be divided into shares of one hundred dollars, and each stockholder to be entitled to one vote for each share of stock owned by him or her. Neither said joint stock company, nor its officers as such, shall be permitted to exercise any control or management over the affairs of the institution hereby incorporated, except as to the business of Life Assurance, and the other franchises granted by said fourth section. Capital stock, shares, etc.

SEC. 7. *Be it further enacted*, That each and every part of the sections aforesaid, inconsistent with the provisions of this Act, be, and the same is hereby, repealed.

SEC. 8. *Be it further enacted*, That this Act take effect and be in force from and after its passage

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed November 30, 1869.

### CHAPTER XIII.

AN ACT to Amend An Act Incorporating the Lewisburg and Culleoka Branch Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act to incorporate the Lewisburg and Culleoka Branch Railroad Company,

passed December 9th, 1868, be so amended as to divide the capital stock of said company into shares of twenty-five dollars each, instead of one hundred dollars, as provided for in said Act; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives*  
 JONATHAN MORRIS,  
*Speaker pro tem. of the Senate*

Passed December 18, 1869.

## CHAPTER XIV.

### AN ACT to Encourage Immigration.

Corporators  
 of Mississippi  
 Valley Im-  
 migration  
 Company.

Powers and  
 privileges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That J. W. Clapp, W. H. Cherry, L. D. McKissick, E. M. Apperson, H. D. Buckley, J. A. Taylor, Gid. J. Pillow, T. C. Flurnoy and Isham C. Harris and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of "The Mississippi Valley Immigration Company;" and by that name shall have corporate succession for ninety-nine years; and shall have power to sue and be sued, plead and be impleaded; to have and use a common seal, to make, alter or abolish the same at pleasure; to establish by-laws for the government of the company, not inconsistent with the laws of the State, or the United States, and to amend, change, modify or abolish the same; to introduce immigrants on such terms, and under such contract, as may be agreed upon by the company and such immigrants, not inconsistent with the laws of the State, or the United States; to purchase, hold, mortgage, lease, sell and convey, real estate to draw, accept, or indorse bills of exchange, foreign or domestic; to make or indorse promissory notes; to make any and all contracts necessary to the encouragement of immigration, not inconsistent with the laws of the State or the United States; to hold, own or navigate vessels, or charter the same for foreign or inland transportation; and generally to have, and enjoy, and exercise all powers, rights and privileges incident to corporations.*

except the power to issue bank notes; nor shall any privilege herein granted be so construed as to authorize the incorporators herein mentioned to engage in banking.

SEC. 2. *Be it further enacted*, That any one or more of said corporators may open books for the subscription of the stock in said company, in shares of one hundred dollars (\$100) each, at such time and place as he or they may choose; and, when the sum of fifty thousand dollars (\$50,000) shall have been subscribed, any three of said corporators may call a meeting of the stockholders of said company, by giving ten days' notice of the time and place of such meeting, by advertisement in a newspaper published in the city of Memphis, Tennessee, at which meeting a majority, in amount of the stock being represented by the stockholders, or their legally authorized proxies, said company may organize, by the election of not less than five nor more than thirteen directors, each stockholder being entitled to one vote for each share of stock subscribed by him; and said directors shall immediately proceed to elect one of their number President of the company; and shall also elect a Secretary and Treasurer, and shall have power, from time to time, to elect or appoint such other officers or agents as may be found necessary to transact the business of the company. They shall fill all vacancies which may occur in their own body, for unexpired terms, and shall have power to remove any officer, director or agent of the company, for malfeasance in office, or other good and sufficient cause; but it shall require a vote of two-thirds of the board present at the meeting, to make such removal.

Subscription  
Books, meet-  
ings, &c.

Organization.

SEC. 3. *Be it further enacted*, That the capital stock of the company may be increased to the sum of ten millions of dollars (\$10,000,000;) but no stockholder shall be liable to pay more than the amount of stock subscribed by him; *Provided*, however, that the Legislature of the State of Tennessee reserves the right to amend, alter or abolish any of the privileges in this Act granted, at such time as the same may be deemed proper and expedient.

Capital stock.

SEC. 4. *Be it further enacted*, That nothing in this Act shall be so construed as to authorize the importation of Chinese into Tennessee, by said company; and that this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed December 1, 1869.

## CHAPTER XV.

AN ACT to Revive the Charter of the Nashville and Franklin Turnpike and Road Company, and for other purposes.

Preamble. WHEREAS, The Nashville and Decatur Railroad Company has, as is understood by this General Assembly, re-conveyed to the original stockholders, or their assigns, the entire capital stock of the Nashville and Franklin Turnpike Road Company, its franchises, toll-gate houses, etc., in satisfaction of the bonds issued for the purchase thereof the principal sum on no one of which bonds has ever been paid; Therefore,

Stockholders. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the stockholders, aforesaid or their assigns, be constituted a body politic and corporate, by the name and style of the "Nashville and Franklin Turnpike Road Company," with all the rights and privileges granted by the original charter, passed the — day of —, or by any Acts of Assembly amendatory thereof.

Election. SEC. 2. *Be it further enacted*, That James Woods, John Thompson, Thos. Chadwell and Jno. Overton—or any three who may act—are appointed Commissioners, to hold an election for officers of said company, giving one month's notice of the time and place of election in any newspaper printed in Nashville.

State's lien. SEC. 3. *Be it further enacted*, That, as the entire purchase money remains unpaid, and is to be satisfied by a reconveyance of the property, that the State claims no lien thereon in virtue of any statute lien on the property of said Nashville and Decatur Railroad Company.

Toll-gate. SEC. 4. *Be it further enacted*, That the said company shall, within the next two years, remove the toll-gate nearest Nashville, to a point not less than one mile and a half from the corporation line of said city, and that the other toll-gates may remain as at present located.

Nashville & Charlotte Turnpike Co. SEC. 5. *Be it further enacted*, That the charter of the Nashville and Charlotte Turnpike Company, be, and is hereby, so amended as to authorize the consolidation of the two gates now in the road, and to allow the location of the gates created by said consolidation, at some point to be selected and purchased or leased by the Board of Directors, between the first gate on the road, and Richland Creek, and not within two miles from the western limit of the City of Nashville.



SEC. 6. *Be it further enacted*, That the company may charge double toll at said consolidated gate, except to <sup>Tolls.</sup> such persons as now travel through the first gate alone, who shall be required to pay the same rate as they would be required, under the charter, to pay for passing through the first gate on said road.

SEC. 7. *Be it further enacted*, That the State of Ten- <sup>Columbia</sup> nessee relinquishes to the counties of Maury, Lawrence <sup>Central Turn-</sup> and Wayne, all the interest said State has in the Colum- <sup>pike.</sup> bia Central Turnpike, from the Big Hill, west of Mount Pleasant, to Clifton, and that said counties work said road as other county roads.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 1, 1869.

## CHAPTER XVI.

AN ACT to Modify the Charter of the City of Knoxville, in regard to the Right of Voting in said City's Elections, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the City of Knoxville, in this State, be, and the same is hereby, so amended, that hereafter in all general city elections held within and for said city, and under the authority of its charter and ordinances thereunder, except as hereinafter provided, all persons who shall have resided within the corporate limits of said city for six months next preceding the day of election, and who shall be otherwise a qualified voter, under the general laws of Tennessee, for members of the General Assembly; shall be entitled to vote; subject, however, to the same restrictions as to the place of voting, as are now provided by said charter; *Provided*, that in any election upon a proposition to raise, appropriate, loan or invest money, or the credit of the city, by the issuance of <sup>Who entitled</sup> bonds, scrip or notes, or by the levy of a tax for the pur- <sup>to vote.</sup> <sup>Proviso.</sup>

Proviso.

pose, the same limitation of the right to vote, shall apply as are now provided by law; and *Provided* further, that all persons to whom the right of voting in said city is extended by this Act, shall be subject to, and liable for such general poll tax as may, from time to time, be imposed by the Municipal Board of said City of Knoxville, under, and by virtue of the said charter.

Publications.

SEC. 2. *Be it further enacted*, That all ordinances, laws, notices, and proclamations affecting the resident or property holders of said city, shall be published in the daily newspaper of said city having the largest *bona fide* circulation within the limits of said city; and should there be no daily paper published in said city, then the same shall be advertised by posters or hand-bills.

LaGrange  
Female College.

SEC. 3. *Be it further enacted*, That sections 2, 3 and 4. of the charter of the LaGrange Female College, be repealed in full; and in lieu thereof,

Trustees.

*Be it enacted*, That Junius J. Pulliam, Joseph C. Williams, Henry F. Scott and William A. Turner, and those holding hereafter under them, be, and compose a Board of Trustees in and for said institution, and vested with all the powers and duties hereto vested by said charter, in the old Board of Trustees; and that said charter, with this amendment, be, and the same remain in full force and effect in all other respects, as the charter of the LaGrange Female College.

Town of Bolivar.

SEC. 4. *Be it further enacted*, That the Act entitled "An Act to incorporate the town of Bolivar, in the county of Hardeman," passed November 29, 1847, shall be so amended, that the Mayor and Aldermen of said town of Bolivar, shall have power by ordinance:

General powers and privileges.

1. To regulate the amount of salary to be paid to the officers and appointees respectively, of said corporation.

2. To appropriate money and provide for the payment of all lawful debts and expenses of said corporation.

3. To establish and provide for a system of free schools in said corporation, and regulate the same, so as to secure the most efficient management thereof, and to prevent sectional or denominational influence in the same.

4. To make regulations, to prevent the introduction or spread of contagious, or infectious diseases in said corporation; to establish, build and regulate hospitals and pest-houses.

5. To erect a work-house and prison house, bridges, culverts, and keep the same in repair; to erect one or more

market-houses; and rent out or otherwise dispose of the stalls of the same to the best advantage, and to forbid and prevent the vending of meats, vegetables, or household supplies upon the streets of said town of Bolivar, <sup>General pow-</sup> except in the market houses aforesaid; and to erect, rent or <sup>era.</sup> lease any other building necessary or proper for the use of said corporation, and for the preservation of the health, peace, good order and quiet of said town of Bolivar.

6. To suppress gambling houses and bawdy houses.

7. To impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the arrest and confinement of all riotous and disorderly persons, committing nuisances, or breaches of any ordinance within the corporation.

SEC. 5. *Be it further enacted*, That the Mayor and Aldermen of said town may erect, purchase or rent, and organize, a work-house within the limits of said corporation; and any person or persons violating any of the ordinances of said town, shall be arrested and committed to said work-house, and there safely kept until such person can be brought to answer before the Mayor or Recorder; and any person who shall fail or refuse to pay any fine or cost imposed upon him or her under any ordinance of said town may be committed to the work-house, and shall be required to work for the town at such work as his or her health or strength will permit, within or without the work-house, not exceeding ten hours each day, (Sundays excepted,) and for such work, shall be allowed seventy-five cents per day and board, until the whole fine and cost are paid: *Provided*, that no person shall be compelled to work longer than three months for any one offense.

Work-house,  
penalties, etc.

SEC. 6. *Be it further enacted*, That the Mayor or Recorder may commit to the workhouse, for three months or less, any person or persons, who have no apparent <sup>Vagrants.</sup> means of subsistence, or neglect applying themselves to some honorable calling for the support of themselves, or families. Every person so offending, who shall be found sauntering about, neglecting his or her business, and endeavoring to maintain himself or herself by gaming or other undue or indecent means, or who makes no endeavor to support himself or herself, it shall be lawful for either the Mayor or Recorder, on oath made, to issue a warrant for such person's arrest; and on failure of such person to <sup>Penalties.</sup> give bond and sufficient security, for his or her good behavior; or refusal or neglect so to do, either of said offi-

cers may commit him or her to the workhouse, for any time not exceeding three months, under the regulations of said workhouse; and the funds arising from the work of such person shall be appropriated first to the payment of any debts or costs due the corporation as aforesaid; secondly, to be paid to such person at the expiration of his term of confinement.

Town Constable. SEC. 7. *Be it further enacted*, That, in addition to the constable now allowed, there may be elected at the discretion of the Board of Mayor and Aldermen, at each annual election, two or more policemen, to be chosen in the same manner as now prescribed for the election of Town Constable, and subject to the same qualifications and restrictions, and that said policemen shall be invested with equal concurrent power and authority, with that of the Town Constable, as aforesaid, and subject to the same liabilities and restraints.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
JONATHAN MORRIS,  
*Speaker pro tem., of the Senate.*

Passed December 15, 1869.

## CHAPTER XVII.

AN ACT to Incorporate Master's Lodge, 244, of Free and Accepted Masons, in the County of Knox, and for other purposes.

Powers and  
privileges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Master's Lodge, 244, of Free and Accepted Masons in the City of Knoxville and the county of Knox, be and the same is hereby constituted a body politic and corporate, and by the name and style of "Master's Lodge, 244, of Free and Accepted Masons," shall have succession for ninety-nine years; shall have a common seal; and by the name aforesaid, said corporation shall be capable in law to purchase, receive, hold to themselves and their successors and assigns forever, or for a less estate, any lands, tenements, goods, chattels or

money which may be given, granted or devised to them or by them purchased; and to use, sell or dispose of the same in such manner as said Lodge may determine right and proper; and said corporation, shall by their corporate name aforesaid, sue and be sued, plead and be impleaded in any court of law or equity, in this State, or elsewhere.

SEC. 2. *Be it further enacted*, That the officers of this corporation shall be Master of the Lodge; the Senior and Junior Wardens; and the service of process issued against said corporation upon either of said officers, shall be good <sup>Officers.</sup> and sufficient to bring said corporation before any court of law or equity in this State; and all deeds, conveyances, rights and acquittances, bonds, obligations or other papers, executed by said corporation, shall be signed by the Master of the Lodge and attested by the Secretary, under the corporate seal when seal is necessary.

SEC. 3. *Be it further enacted*, That section 5, of chapter 44, of the Acts of 1868-9, entitled "An Act to incorporate Alpha Lodge of Free and Accepted Masons, and <sup>Alpha Ma-</sup> for other purposes," be so amended as to read, the Sons of <sup>sonic Lodge.</sup> Ham, instead of the Sons "Herman" Benevolent Society.

SEC. 4. *Be it further enacted*, That Tennessee Lodge, <sup>Tenn. Lodge,</sup> No. 204, Loudon, Roane County, Tennessee, be entitled to <sup>No. 204.</sup> all the rights and privileges and subject to the same restrictions that are imposed on the Master's Lodge, No. 244, incorporated by this Act.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate.*

Passed December 9, 1869.

## CHAPTER XVIII.

AN ACT to Incorporate the Savannah Manufacturing Company in the County of Hardin, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall subscribe stock to the company which this Act is intended to incorporate, be and they are hereby constituted and declared to be a

body corporate and politic, by the name and style of the "Savannah Manufacturing Company."

Capital stock,  
etc.

SEC. 2. *Be it further enacted*, That said company shall have succession of members for ninety-nine years, with a capital stock of fifty thousand dollars, (\$50,000), to be divided into shares of two hundred and fifty dollars (\$250.00) each, and shall be deemed personal property and be transferable on the books of said company, under such regulations and restrictions as said company, by its by-laws, may prescribe.

Property.

SEC. 3. *Be it further enacted*, That said company shall have power to purchase and hold in fee simple, such real estate and personal property as they may deem necessary for the purpose of manufacturing all kinds of goods, of which wool, cotton, hemp or flax form a component part; and, for the establishment of flouring or other mills; and, for the construction of such machinery as may be necessary in carrying on any and all of the above named branches of manufacture, or in the necessary collection of the debts due said company.

Privileges.

SEC. 4. *Be it further enacted*, That said company, in said corporate name, may sue and be sued; have and use a common seal, and make such by-laws for the regulation and government of the affairs of said company, as they may deem proper, not inconsistent with the laws of the State and United States.

Board of Directors,  
powers of.

SEC. 5. *Be it further enacted*, That the affairs of said company shall be managed by a board of seven directors, to be chosen from amongst the stockholders, annually; to be elected by a majority of those voting, each stockholder having one vote for each share he may own; and said board of directors, when so elected, may elect from their number, a President, Vice-President, Secretary and Treasurer, and prescribe the duties and compensation of each; and who shall hold their offices until their successors shall be elected.

Same.

SEC. 6. *Be it further enacted*, That said board of directors shall have power to call for and demand of said stockholders, the payment of the sums subscribed by them to the capital stock in said company, in such instalments as they may deem best for the interest of the company; and may have power either to declare such shares as shall not be paid upon the calls made by them, forfeited to the company, or proceed against such delinquent stockholders by action of debt, before any tribunal having cognizance thereof.

Report.

SEC. 7. *Be it further enacted*, That said board of directors shall, annually, at the expiration of office, make a

written report to the stockholders, exhibiting the amount of stock subscribed, the amount paid in, and the amount expended, as well as the amount received in the business of said company; and said board shall not have power to incur greater liabilities than the amount of said stock; nor shall the stockholders be liable beyond the stock so taken by them respectively.

SEC. 8. *Be it further enacted*, That R. D. Deford, H. R. Hinkle, C. W. Deford, Elijah Walker, A. G. McDougal, W. F. Hinkle, John McDougal, D. T. Street, R. A. Hardin, J. T. Street, James Williams and G. M. Hamilton, <sup>Commissioners.</sup> be and they are hereby appointed commissioners, to open books and receive subscriptions to the capital stock of said company; and any three of them shall have power to open books and receive subscriptions to the stock of said company; and when ten thousand dollars (\$10,000) of stock has been subscribed, the said commissioners, or a majority of them, may call a meeting of said stockholders, in the town of Savannah, Tennessee, giving due notice to said stockholders, of the time and place of said meeting.

SEC. 9. *Be it further enacted*, That, when said stockholders shall meet, they shall proceed to elect said board of seven directors, whose duty it shall be to draw up and submit to said stockholders for their ratification, such by-laws for the government of said company, as they may deem best; and when ratified by the stockholders, shall be entered upon the books of the company, which shall not be repealed or altered, except at a general meeting of the stockholders. <sup>Election, etc.</sup>

SEC. 10. *Be it further enacted*, That said R. D. Deford, H. R. Hinkle and C. H. Deford, are hereby authorized and empowered to take stock in said company, to the amount of the value of the stock owned by each in their woolen manufactory now in operation in said town of Savannah, at cost, estimating each interest in shares, as above stated; and it is expressly understood that this charter is intended to apply to and enlarge said establishment, so as to embrace all of the above branches of business at said establishment. <sup>Stock.</sup>

SEC. 11. *Be it further enacted*, That Jno. M. Rains, George Odom and J. W. Baker, of the County of Hancock, and A. L. Rogers and Wm. Green, of the County of Hawkins, and their successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of the "Mulberry Gap and Rogersville Turnpike Company," with all the rights, powers, <sup>Mulberry Gap and Rogersville Turnpike Company.</sup>

liabilities and restrictions of the Rogersville and Little War Gap Turnpike Company, for the purpose of constructing, grading and MacAdamizing a turnpike road, from Mulberry Gap, in Hancock County, to Rogersville, in Hawkins County, via. Big War Gap, in Clinch Mountain, with power to construct a branch road from Sneedville to Russellville on the East Tennessee and Virginia Railroad.

State Stock  
transferred.

SEC. 12. *Be it further enacted*, That the stock granted by the State of Tennessee, by section thirteen (13) of An Act passed December 7, 1867, to the East Tennessee and Virginia Rail Road Company, be and the same is hereby transferred to the "Mulberry Gap and Rogersville Turnpike Company."

Consent.

SEC. 13. *Be it further enacted*, That the transfer of stock contemplated by this Act, shall not be made without the consent of said East Tennessee and Virginia Railroad Company; and this charter of incorporation, shall continue for the term of fifty (50) years.

SEC. 14. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed December 9, 1869.

## CHAPTER XIX.

AN ACT to Incorporate Beech Grove Male and Female College, at Beech Grove, Coffee County, Tennessee, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That G. D. Stephenson, James Lawrence, John McGill, B. L. Chadwick, James M. Carlisle, Andrew Maxwell, Jno. Ashley, T. D. Wilson, L. P. Fields, John Jakes, William Humes, Arthur Ashley, or a majority of them, and their successors, be, and they are hereby, made and constituted a body corporate and politic, in fact and in name, with a succession for ninety-nine years, under the style and title of the "Trustees of Beech Grove Male and Female College;" and by that name shall be, and hereby are made capable in law, to have, hold, receive, purchase, possess and enjoy to themselves and their successors, real estate and personal property, to an amount

Corporators.

Powers, etc.



not exceeding one hundred thousand dollars, necessary to carry into full force and effect all the objects of the above corporation; and may sue and be sued, plead and be impleaded; answer and be answered, defend and be defended, in any court having proper jurisdiction; may make and use a common seal, and perform all other acts pertaining to a corporate body.

SEC. 2. *Be it further enacted*, That the above-named Trustees shall have succession as follows: At their first meeting, after the passage of this Act, they shall, by ballot or otherwise, divide themselves into three divisions of four persons each, numbered respectively, as follows: Division 1st, Whose first term of office shall continue until May, 1870, and each succeeding term of said division, three years. Division 2d, Whose first term of office shall continue until May, 1871, and each succeeding term of said division, three years. Division 3d, Whose term of office shall continue until May, 1872, and each succeeding term of said division, three years; at which several times the Board of Trustees shall have power to fill said vacancies, or others that may occur, and thenceforward from year to year—the several divisions being respectively elected for three years. Trustees, how chosen.

SEC. 3. *Be it further enacted*, That the said Trustees, when called together, and their successors, annually thereafter, shall organize by electing a President, Secretary and Treasurer, out of their own body; and they may adopt such by-laws and regulations as they find necessary; *Provided*, they are not at variance with the Constitution of the State of Tennessee and of the United States, nor with the special objects of this Act, nor the general laws of the State; *and provided, also*, that not less than a majority shall constitute a quorum for the transaction of business at the meetings of the Board. Organization.

SEC. 4. *Be it further enacted*, That said Trustees shall have power to elect or dismiss a President, to engage or discharge teachers, and in conjunction with the Faculty, confer degrees; and do all other things necessary to be done for the maintenance and prosperity of a collegiate institution. Powers of Trustees.

SEC. 5. *Be it further enacted*, That after said Trustees shall have become organized, it shall be unlawful for any person to sell by retail, any ardent spirits, wine or intoxicating liquors of any kind, within two miles of said institution, while it is in operation. Ardent spirits

SEC. 6. *Be it further enacted*, That every person violating the provisions of this Act, shall be liable to indictment in any court in this State, having proper jurisdiction

Penalty. and upon conviction thereof, shall be fined, not less than fifty dollars, nor more than one hundred dollars, for every such offense, one-half when collected, to be appropriated to the use of the institution, and the other half to the State.

Taxation. SEC. 7. *Be it further enacted*, That the real estate and personal property of the College be exempt from taxation, provided the same is used and absolutely necessary for school purposes.

Jackson Hotel Company. SEC. 8. *Be it further enacted*, That H. W. McCorry, F. D. Theus, John C. M. Garland, A. W. Campbell and D. H. King, and their associates, successors and assigns, be, and they are hereby, constituted a body politic and corporate, under the name and style of "Jackson Hotel Company," and by that name, may sue and be sued, plead and be impleaded, and shall have succession for fifty years, with power to contract and be contracted with, and to have and use a common seal, for the purposes of building a Hotel, with business houses beneath, as they may determine, in the City of Jackson, Tennessee; and for that purpose they may open books for subscription of stock, and receive subscriptions to the amount of two hundred shares, and for two hundred dollars each share; but they may commence work when one hundred shares shall have been subscribed, and fifty shares paid in.

Powers, etc. SEC. 9. *Be it further enacted*, That, when fifty shares shall have been subscribed to said company, the stockholders may elect three directors, -who may elect one of their number President, and the said Directors may also elect a Secretary and Treasurer; and said Directors shall serve for the period of one year, or until their successors shall have been elected and qualified; and said Directors may make such by-laws and regulations for said company as they may think proper; *Provided*, they do not conflict with the laws of this State or the United States.

Meeting, etc. SEC. 10. *Be it further enacted*, That the stockholders in said company shall not be individually responsible for more than the amount of stock by each subscribed.

People's Aid Association. SEC. 11. *Be it further enacted*, That An Act passed February, 1868, incorporating the People's Aid Association, and for other purposes, be so amended as to allow said Association to establish branches in such other counties of the State as may be deemed proper; said branches to be governed in all respects, by the Charter, Constitution and By-Laws of the original Association.

SEC. 12. *Be it further enacted*, That John B. Davis, Charles H. Sharpe, Charles Conley, of the City of Memphis, State of Tennessee; P. H. Wheat, Samuel Black, Jacob Fradick, Jr., and H. D. Green, of the State of Arkansas, and their associates and successors, are hereby, created a body corporate and politic, by the name of the "White, Red and Black River Packet Company;" and by that name shall be known, and for the period of twenty years have succession, sue and be sued, complain and defend in any court of law and of equity; and may make and use a common seal, and alter the same at pleasure; may purchase, hold, transfer and convey such real and personal estate, choses in action and securities, negotiable and otherwise, as may be expedient in and for the management of its business, as herein defined; and may appoint such officers and agents, and servants, as said business shall require, and prescribe their duties, and fix their compensation, and make by-laws, not inconsistent with the laws of the State, or of the United States, for the management of its property, and the regulation of its affairs.

White, Red  
and Black  
River Packet  
Company.

Privileges, etc

SEC. 13. *Be it further enacted*, That the said corporation shall have power to run boats on the White River, and its tributaries, and on the Mississippi River, and its tributaries; and for that purpose, may buy or build such steam or other boats as may be necessary to carry on the said business, and may sell such boats and other property, as are no longer needed in said trade.

Powers.

SEC. 14. *Be it further enacted*, That the capital stock of this corporation shall be thirty thousand dollars, divided into shares of twenty-five dollars each; and it may be increased to any sum not exceeding five hundred thousand dollars, whenever the stockholders may, by vote, so direct.

Capital stock.

SEC. 15. *Be it further enacted*, That as soon as stock to the amount of thirty thousand dollars shall have been subscribed, a time and place shall be designated, in writing, by a majority of the corporators above-named, for the election of five Directors, of which the stockholders shall be notified; and the persons then elected shall constitute the directory until their successors are elected.

Election.

SEC. 16. *Be it further enacted*, That except as herein provided, the provisions of An Act of the Legislature of the State of Tennessee, passed November 17th, 1866, entitled "An Act to incorporate the Memphis and Arkansas River Packet Company," are hereby extended, and made to apply to the said corporation hereby created; and all the rights, privileges and immunities conferred in said Act upon the said "Memphis and Arkansas River Packet Company,"

Act of Nov.  
17, 1866.

are hereby conferred upon the said White, Red and Black River Packet Company, subject, likewise, to all the pains and penalties and restrictions imposed by the said Act.

Industrial In-  
stitute of  
America.

SEC. 17. *Be it further enacted*, That the members of the Industrial Institute of America, and all persons who may hereafter become members, shall be, and are hereby, constituted a body corporate and politic, by the name of the "Industrial Institute of America," for the purposes of fraternity, benevolence and justice; and by that name shall have succession for ninety-nine years, and have a common seal, and change the same at will; sue and be sued, plead and be impleaded, in any of the Courts of law or equity.

Powers and  
privileges.

SEC. 18. *Be it further enacted*, That said body corporate, by the name aforesaid, shall be empowered and capable in law, to receive donations, gifts, grants, devises and bequests, or other conveyances of money, goods, chattels, effects, lands, tenements and estates, real and personal, and to hold, use, sell, or otherwise dispose of and convey the same; and to do all such acts, matters and things as are or shall be necessary to carry into full effect the objects of said corporation.

Fairs, Expo-  
sitions, etc.

SEC. 19. *Be it further enacted*, That, in order to carry out more fully one of the principal designs of said Institute, that they may open and hold Fairs and Expositions of the products of labor, either agricultural, mechanical or manual, and may establish a list of premiums for the different articles or stock offered for exposition, and award such premiums to the person who is the actual manufacturer or producer of said article or stock exhibited; also, to establish a rate of entrance for articles and stock offered for competition, and for persons visiting said fair, or exposition; and shall have power to eject any person or persons that may violate the rules or regulations that are made for the government of the same.

Schools.

SEC. 20. *Be it further enacted*, That said body corporate, under the name aforesaid, may open and hold schools of learning or design, wherever the interest of the brotherhood may demand them; and said school shall have all rights, powers, privileges and immunities as granted to similar institutes of learning in the State.

Officers, By-  
Laws, etc.

SEC. 21. *Be it further enacted*, That the members composing said Institute, shall have power to elect such officers as are necessary for the organization in its different departments, and the transaction of its business; and may have a constitution, and make such laws, rules and regulations as

they may deem necessary for the government thereof, and alter and amend the same at will; *Provided*, such constitution, laws, rules and regulations, or amendments thereto, be not in violation of the laws of the State of Tennessee, or the laws of the United States of America.

SEC. 22. *Be it further enacted*, That the said corporation shall have power to organize and establish branch Institutes in any part of the State, under the same constitution, laws, rules and regulations that govern said body; and the different privileges and immunities granted them in this Act, shall extend to each and every branch Institute they may establish. Branches.

SEC. 23. *Be it further enacted*, That E. B. Cayce, H. P. Figures, James D. Park, William House, N. R. Marr, J. T. Love, R. N. Richardson, their associates and successors, are by these presents, created a body corporate and politic, by the name and style of the "Franklin Lyceum," in the town of Franklin, County of Williamson, and State of Tennessee; the objects and purposes of which association shall be, the cultivation of a correct literary taste among its members, by reading, composition, debate, and other exercises of the like character; the collection and maintaining of a library for the benefit of its members, and the promotion of their moral and intellectual welfare, by all legitimate ways and means. Franklin Lyceum. Purposes.

SEC. 24. *Be it further enacted*, That the incorporators, and their successors, may have power, under the corporate name, to have succession for the period of fifty years; to sue and be sued, in all courts of law and equity; to have and use a common seal, and to alter the same at pleasure; to receive, hold, purchase and convey property, real, personal and mixed, not exceeding fifty thousand dollars, for the use and benefit of the association, under this charter; to adopt a constitution and make by-laws, not inconsistent with any existing law, for the management of the property of the corporation, and the regulation of its affairs; to appoint such subordinate officers and agents as the business of the corporation may require, prescribe their duties and fix their compensation; to be vested with, and exercise all the powers and privileges incident to similar bodies, in carrying out the intentions of this Act of incorporation. Powers and privileges.

SEC. 25. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
Speaker of the House of Representatives.  
D. B. THOMAS,  
Speaker of the Senate.

Passed December 9, 1869.

## CHAPTER XX.

AN ACT to Authorize the Citizens of Morgan County to Vote on the Removal of their Court House, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the qualified voters of Morgan County, Tennessee, shall, on the first Saturday in March 1870, have the right to vote at the various precincts of said county, as to whether they desire the county site removed from Montgomery, to Wartburg, in said county.

Voting. SEC. 2. *Be it further enacted*, That those in favor of being removed to Wartburg, will write upon their tickets "Wartburg," and those desiring the county site to remain where it is, will write upon their tickets, "Montgomery."

SEC. 3. *Be it further enacted*, That said election shall be held by the same officer holding the general election in said county, on the same day.

Returns. SEC. 4. *Be it further enacted*, That the judges of said election shall file with the Clerk of the County Court, said County of Morgan, on or before the first Monday in April, 1870, correct returns of said election, from the different precincts in said county.

Clerk to compare vote, etc. SEC. 5. *Be it further enacted*, That, on the first Monday in April, 1870, it shall be the duty of the Clerk of said County Court, in the presence of the Court, to compare the vote cast in said election. If a majority of all the votes cast in said election, be in favor of the removal of the county site to Wartburg, it shall be the duty of the County Court to appoint Commissioners—not less than three, nor more than seven, in number—whose duty it shall be to procure the building of a new Court House, at Wartburg, under such restrictions, and in such manner, as the County Court may direct; and the County Court of Morgan County, shall, and may dispose of the public property belonging to said county, in Montgomery, as may be best.

SEC. 6. *Be it further enacted*, That all Acts, and parts of Acts, in conflict with this Act, be, and the same are hereby, repealed, as regards Morgan county.

McNairy County. SEC. 7. *Be it further enacted*, That the county site of McNairy county, be removed from Purdy, the present county site of said county, to Bethel Springs, on the Mobile and Ohio Railroad, in said county, as hereinafter provided.

SEC. 8. *Be it further enacted*, That in order to give full force and effect to the seventh section of this Act, it shall be the duty of the Commissioner of Registration, for said county, to open and hold an election at all the voting places Election. in said county, on the first Saturday of March, 1870, after having given notice to that effect, in the *Jackson Tribune*, for four successive weeks; and in case of the death, resignation, or removal of the Commissioner of Registration that shall be the duty of the Sheriff of said county, to carry to effect the provisions of this Act, as herein provided.

SEC. 9. *Be it further enacted*, That, on the day of said election, Purdy and Bethel Springs shall be in nomination, How to vote. and those who favor the removal of the Court-house from Purdy to Bethel Springs, shall have written or printed on their tickets, "Bethel Springs;" and those who oppose said removal, shall have written or printed on their tickets, "Purdy."

SEC. 10. *Be it further enacted*, That, if a majority of the qualified voters of said county shall cast their votes for the removal, the said county site shall be removed from Purdy to Bethel Springs, otherwise, it shall remain at Purdy. Decision.

SEC. 11. *Be it further enacted*, That the judges and Clerks, appointed to open and hold the election for county officers, on said first Saturday of March, 1870, shall also be competent to hold said election, depositing the ballots cast Ballot-boxes. for and against the removal of the county site, in the box used for the election of county officers; and a correct return of the same, to be made to the Commissioner of Registration, or Sheriff, as the case may be, by the officers holding said election.

SEC. 12. *Be it further enacted*, That, until the Court-house is built at Bethel Springs, the courts of said county, Courts. together with all offices appertaining to the same, and the county, shall be held at Purdy.

SEC. 13. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 9, 1869.

## CHAPTER XXI.

AN ACT to Accept, Confirm, Ratify, and make Obligatory, a Lease of the Nashville and North-western Railroad to the Nashville and Chattanooga Railroad Company.

Preamble

WHEREAS, At a meeting of the Directors of the Nashville and North-western Railroad Company, held in the City of Nashville, on the 27th day of October, 1869, J. W. Cole, President of the Nashville and Chattanooga Railroad Company, submitted a written proposition, on the part of said Nashville and Chattanooga Railroad Company, for a lease to said company, of the Nashville and North-western Railroad, for a term of six years, which proposition was in the words and figures following :

Proposition,  
or Agreement  
of Lease.

"The Nashville and Chattanooga Railroad Company propose to lease the Nashville and North-western Railroad for the period of six years, upon the following terms and conditions:

Repairs, etc

"It will expend upon the road-bed, superstructure, bridges and trestles, and in the repair and purchase of rolling-stock, within the next six months, the sum of \$100,000 and, as speedily as possible, put the road in as good condition as other connecting roads, and supply it with rolling-stock sufficient to meet the requirements of the business of the road, in freights and passengers, and of the same quality and character as similar rolling-stock of the Nashville and Chattanooga road, and continue to keep the road in good condition, and the rolling-stock in like good order and condition, for, and during the full term of the lease, and the same is fully ended; and to return the road and rolling-stock in like order and condition, at the expiration of the lease; all repairs, improvements and additions, to be made at the usual reasonable and customary prices, for the time being.

Valuation.

"The present rolling-stock, materials and personalty of the Nashville and North-western Railroad Company, on hand, and to be valued by three persons, one to be selected by each of the contracting parties, and they to select a third, and taken by the Nashville and Chattanooga road at the valuation, and returned in kind at the end of the lease, upon like valuation.

"The road shall continue, during the lease, to be operated on its present line, and upon every part of it, without discrimination against any part, unless with the consent



of the Board of Directors of the Nashville and North-western Railroad Company; and the lessee shall so operate as to foster and encourage the local, as well as through business; and such and so many trains for the accommodation of freight and passengers, shall be run as are usual and customary on roads of similar length and importance, and necessary to perform the business offered. Line of road.

"The tariff of through freights and passengers are to be ratably divided between the roads in proportion to the length of the two roads to each other, or the distances carried on each; and the local earnings are to be credited to the lessor. Tariff.

"The lessee agrees to make no charge for use of tools, rent of shops, or yard room, or pay of yardmen at Nashville, during the continuance of this lease. Tools, etc.

"One-third of the salaries of the President, Superintendent, Secretary and Treasurer, Freight and Passenger Agent, and Engineer, of the Nashville and Chattanooga Railroad Company, shall be paid out of the earnings of the Nashville and North-western Railroad; and the share of the lessor of these salaries, shall not exceed the following sums: President, \$3,000 per annum; Superintendent, \$2,000; Secretary and Treasurer, \$2,000; General Freight Agent, \$500; General Passenger Agent, \$500; Engineer, \$1,000. There shall also be paid out of the earnings of the road, the salary of an Agent, to be appointed by the Board of Directors of the Nashville and North-western Railroad Company, as hereinafter provided, to superintend the interests of said company under this lease, which salary is fixed at \$——. No other agent or officers shall be employed, except such as are necessary to operating the road, and devote their whole time and attention to the business of the road, and as are usual in such cases, who shall be paid out of the earnings of the road, the same compensation which is allowed similar agents and officers of the Nashville and Chattanooga Railroad Company, for similar services. The Board of Directors of the Nashville and North-western Railroad Company, may elect an agent to hold his office during the pleasure of the board, to represent said company and protect its interests during the lease, whose duty it shall be to give a general supervision to all the business of the road, and all transactions under this lease; with the right to have free access at all times, to the rolling stock, property and effects used in running the road, with a view to ascertaining its condition, and whether any or what repairs are required; and to the books of the business of Officers, salaries, etc.  
Agent of N. & N. W. R. R

the two roads, so far as they relate to or have any connection with the business or operations under this lease.

**Expenses.**

"He shall be consulted as to all expenses, ordinary or extraordinary, but without having the right to prevent them if deemed necessary by the lessee. If however, the agent shall dissent, the matter shall be suspended until the contracting parties have come to some agreement, or the matter arbitrated as hereinafter provided.

**Reports.**

"The agent shall make a report to the board of the lessor at least once in every three months, or oftener, if necessary or required.

**Arbitration.**

"All matters of difference arising under this lease, either as to the operation of the road, the expense incurred or otherwise, which cannot be amicably adjusted by committees of the two boards, shall be submitted at once to the arbitrament and award of three railroad officers or engineers, one to be selected by each of the parties, and one by these two, whose decision shall be final and binding on the contracting parties.

**Expiration of Lease.**

"All depot houses, sidings, buildings and appurtenances of the road, shall be returned with the road-bed and rolling stock in good order and condition at the expiration of the lease.

**Accounts.**

"Regular and exact accounts shall be kept by the lessee, of all the earnings and expenditures in operating the road; to which the agent above provided for, shall have full access; and monthly reports and settlements shall be made between the parties.

**Earnings.**

"The lessee is to have control of the road and of its operations under the lease, and to receive all the earnings of its business; and shall be entitled out of these earnings to pay the salaries as herein before provided, and all the expenses of running the said road, and to re-imburse itself the money advanced to put the road in good condition, and to furnish rolling stock as herein stipulated, with interest.

**Surplus earnings.**

"Any surplus of earnings after these disbursements, shall be paid to the State of Tennessee monthly at the expiration of each and every month, during the time of the lease, to be credited to the interest due or to become due to the State upon the bonds issued to the lessor, and which are a lien by statute, upon said road. If the surplus earnings should, during the term of lease, pay off the arrears of interest due the State, and exceed the interest which may thereafter fall due semi-annually, such excess shall be paid to the lessor or its order.

"It is further agreed that no agent or officer of either road shall be allowed to engage in any speculation or

business connected, or have anything to do with the transportation or other business of the road.

(Signed)

E. W. COLE,"

*"President of the Nashville and Chattanooga Railroad Company."*

And, WHEREAS, The Board of Directors of said Nashville and North-western Railroad Company, at their meeting aforesaid, having duly considered said proposition, recommend its acceptance to the stockholders of said company; and Preamble.

WHEREAS, At a meeting of said stockholders, duly and legally called and held at the city of Nashville, on the 28th day of October, 1869, a majority of them voted in favor of accepting the proposition for said lease as above set forth; and

WHEREAS, Said Nashville and North-western Road is at present in the hands of the State authorities, whereby the assent of the State of Tennessee is made necessary to the consummation of said contract, and to the validity of said lease; and Same.

WHEREAS, In the opinion of this General Assembly, it is manifestly to the interest of the State, as well as of said railroad companies, and the public, that said proposition should be accepted, and said lease approved, ratified and made obligatory on all the parties thereto; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the above proposition, be, and the same is hereby accepted, and said Nashville and Chattanooga Railroad Company is hereby authorized to take possession of and control of said Nashville and North-western Railroad, and the property thereof, according to the terms and conditions of the proposition hereinafter set forth; *Provided,* That the present President and Directors of the Nashville and Chattanooga Railroad Company, and their successors in office, before entering upon the discharge of their duties under the forgoing lease, and before taking possession of said North-western Railroad, shall first enter into bond with two or more sufficient securities in the penal sum of one hundred thousand dollars, payable to the State of Tennessee, for the faithful performance of the terms and stipulations of said lease in each and every particular, and for a prompt and faithful compliance with the terms, provisions and restrictions hereinafter provided by law, which bond shall be approved by the Governor, Comptroller and Treasurer of the State, and filed in the office of the Comptroller. Proposition Accepted.

Proviso.

Agent, how  
chosen, etc.

SEC. 2. *Be it further enacted*, That the agent provided for in said lease, shall be chosen by the Board of Directors of said Nashville and North-western Railroad Company, with the concurrence of the Governor of the State—whose duty it shall be to report to the Governor as often as he is required by said lease, to report to the Nashville and North-western Railroad Company—and he shall be regarded as joint agent for said Company and the State, and his salary—which shall be one hundred and fifty dollars per month—shall be paid out of the earnings of said Nashville and North-western Railroad.

Not released  
from laws.

SEC. 3. *Be it further enacted*, That nothing herein contained shall be so constructed as to take the Nashville and North-western Railroad out of the provisions of any law or laws that may be passed by the General Assembly of the State; but the said North-western Railroad shall be subject to the provisions of such law or laws which may be passed as aforesaid, as though this Act had never been passed.

Reservation.

SEC. 4. *Be it further enacted*, That the foregoing lease is ratified, subject to the provisions of this Act, with the express reservation to the State of the right to terminate the same at any time without notice, by the Act of the General Assembly of the State; *Provided*, That should the State or a purchaser from the State, of said Nashville and North-western Railroad, demand possession of said road, before the Nashville and Chattanooga Road has been re-imbursed of all necessary and proper expenditures in operating said North-western Railroad from the earnings of said road, such excess of expenditures over earnings shall be paid by the State, or said purchaser, to the Nashville and Chattanooga Railroad Company.

Proviso.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
JONATHAN MORRIS,  
*Speaker pro tem., of the Senate.*

Passed December 9, 1869.

## CHAPTER XXII.

AN ACT to Incorporate the Haywood County Agricultural, Mechanical and Horticultural Association, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That David P. Williams, Robert S. Thomas, S. E. Taylor, W. A. Allen, Jasper Carlton, J. A. Nebbett, W. B. Claybourn, W. T. Crune, Ashley Bradford, W. B. Maner, John Allen, R. W. Beers and B. J. Lee, and their associates and successors, are hereby constituted a body politic and corporate, under the name and style of the "Haywood County Agricultural, Mechanical and Horticultural Association;" to continue and run for the period of thirty three years, with power to erect buildings, hold fairs, exhibitions; and to offer and award premiums and prizes, and otherwise, to encourage the agricultural, mechanical horticultural and household interests of Haywood County; to make and use a common seal; to make such by-laws and regulations, not inconsistent with the laws of this State, or of the United States, deemed necessary and proper for the government of the same; in its corporate name to sue and be sued, to plead and be impleaded; to hold by purchase or otherwise, any real estate or personal property, and to dispose of the same in any way which may be desired in carrying on its operations. Corporators.  
Powers and privileges.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three thousand dollars; with liberty to increase the same to one hundred thousand dollars; to be divided in to shares of not less than twenty-five dollars each; to be subscribed for and paid as the Board of Directors may direct. The shares shall be considered as personal property, and shall be transferable only on the books of the association in person, or by attorney in fact. Capital Stock.

SEC. 3. *Be it further enacted*, That the corporators, or any five of them, shall be authorized to act as Commissioners, with power to open books for, and to receive subscriptions; and when the capital stock has been subscribed, the said corporators shall immediately call a meeting of the stockholders, or subscribers, who shall elect by ballot, a board of ten directors, six of whom always constitute a quorum for business, who shall hold their office for one year, and until others are elected in their stead. The To open Books.

Officers, meetings, etc. board of directors shall elect one of their members President, who shall hold his office for a like term; and they shall elect such other officers or agents, as they may deem necessary, and may assign to their officers salaries. The annual meetings of said association shall be held at such times and places as the board of directors may from year to year designate. At each annual meeting, the board of directors shall be chosen for the ensuing year; but a failure to elect, shall not work a forfeiture of the charter; but all officers shall hold their offices until their successors are elected.

Police. SEC. 4. *Be it further enacted*, That, during the fairs or exhibitions of said association, the President of said association shall have power to appoint a sufficient police force to preserve peace, quiet and order, in and about the fair grounds.

Vinous liquors. SEC. 5. *Be it further enacted*, That no person shall sell or give away any spiritous, vinous or malt liquors, within one half a mile of the fair grounds of said association during the weeks of the fair or exhibition; and any person guilty of a violation of this section of this Act shall be fined not less than twenty-five dollars for each and every offense upon conviction thereof, before any Circuit or Criminal Court having jurisdiction of the same; *Provided however*, that said fair grounds are not situated within one half a mile of the corporate limits of any incorporated town; and, *provided further*, that, if said fair grounds are not situated within the limits of any incorporated town, but within less than one half mile of the same, then no person shall sell or give away any spiritous, vinous or malt liquors nearer to said fair grounds than the corporate limits of said incorporate town, under the penalty herein prescribed.

Old Agricultural and Mechanical Society. SEC. 6. *Be it further enacted*, That the President and Secretary of the old Haywood County Agricultural and Mechanical Society, be and they are hereby authorized and empowered, to sell the real estate belonging to said Society, either publicly or privately, and for cash or on credit, as they may think best, and turn over the proceeds of such sale, after payment of necessary expenses incurred about such sale; and transfer it to the Treasury of the association which this Act is intended to incorporate, to be used by said association for any of the purposes connected with its general object; the said President and Secretary to execute to the purchaser or purchasers a deed or deeds in the name of the Haywood Agricultural and Mechanical Society for the real estate so sold; which deed or deeds when

President and Secretary's powers and privileges.

registered shall operate to transfer all the title and interest of said society in said real estate to the purchaser or purchasers thereof.

SEC. 7. *Be it further enacted*, That J. H. Travis, P. Loomey, F. F. Porter, S. H. Coldwell, W. P. Smallwood, Crawford Porter, H. Loving, James S. Brown, James M. Ray, W. F. Ray, E. D. Colyar, W. J. Hurt, W. Crawford, R. M. Kimball, T. L. Biles, E. B. Parker, James C. Leeper, J. M. Hudson, D. F. Alexander, H. F. Milton, John Hartsfield, S. C. Dobbins, H. J. Blanton, their associates and successors, are hereby constituted a body politic and corporate under the name and style of the "Henry County Agricultural Association;" to continue and run for the period of ninety-nine years; with power to erect buildings; hold fairs and exhibitions; and to offer and award premiums and prizes, and otherwise to encourage the agricultural interests of Henry County; to make and use a common seal; to make such by-laws and regulations not inconsistent with the laws of this State or the United States, deemed necessary and proper for the government of the same; in its corporate name to sue and be sued, to plead and be impleaded, to hold by purchase or otherwise, any real estate or personal property, and to dispose of the same in any way which may be desired in carrying on its operations.

Henry County Agricultural Association.

Powers and Privileges.

SEC. 8. *Be it further enacted*, That the capital stock of said company shall be three thousand dollars, with liberty to increase the same to one hundred thousand dollars, to be divided into shares of not less than twenty-five dollars each, to be subscribed and paid as the board of directors may direct; the shares shall be considered as personal property, and shall be transferable only on the books of the association in person or by attorney in fact.

Capital stock, etc.

SEC. 9. *Be it further enacted*, That the corporators, or any five of them, shall be authorized to act as Commissioners, with power to open books and to receive subscriptions; and when the capital stock has been subscribed, the corporators shall call a meeting of the stockholders or subscribers, who shall elect by ballot, a board of ten directors, six of whom always constituting a quorum; shall hold their office for one year, and until their successors are elected in their stead. The board of directors shall elect one of their number President, who shall hold his office for a like term; and they shall elect such other officers or agents as they may deem necessary, and may assign their officers salaries. The annual meetings of said association shall be held at such times as the board of directors may from

Books, organization, etc.

Meetings.

year to year designate; at each annual meeting the board of directors shall be chosen for the ensuing year; but a failure to elect shall not work a forfeiture of the charter, but all officers shall hold their offices until their successors are elected.

Police.

SEC. 10. *Be it further enacted*, That during the fairs or exhibitions of said association, the President of said association shall have power to appoint a sufficient police force to preserve peace, quiet, and order in and about the fair grounds.

SEC. 11. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 10, 1869.

## CHAPTER XXIII.

AN ACT to Charter and Incorporate the Turley Female English and French Institute, and for other purposes.

Trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That T. D. Witherspoon, Wm. R. Hunt, Jno. Patton Anderson, J. R. Chalmers, Charles Kortricht, L. D. McKissick, A. Erskine, R. F. Looney, R. Hutchinson, George Dixon, O. P. Lyle and T. W. Brown, and their successors in office, be and they are hereby incorporated a body politic, under the name and style of the "Trustees of Turley Female English and French Institute."

Powers, etc.

SEC. 2. *Be it further enacted*, That the Trustees of said Turley Female English and French Institute, are hereby invested with legal powers to buy, lease, receive, possess, hold and dispose of any property, for the use and benefit of the said Turley Female English and French Institute, and may sue and be sued, plead and be impleaded.

SEC. 3. *Be it further enacted*, That the said Turley Female English and French Institute, shall be main-



tained and kept up as a high school, for the instruction of females in all branches of an English education, as well as in such foreign and dead languages, as it may be deemed expedient to introduce from time to time, into the course of instruction in the said school; and the failure for one year to maintain a school of the grade and character above described, shall operate a forfeiture of this charter.

SEC. 4. *Be it further enacted*, That all real estate or other properties, of whatsoever description, which may be used in the conduct of the said school, or in anywise appertaining to the same, or in anywise be used for the In-stitution, or for the accommodation and entertainment of the scholars of the said Turley Female English and French Institute, shall be discharged and acquitted of all taxes, whether State, County or City; and no taxes shall be assessed or levied thereon, or collected therefrom, so long as the said properties, real or personal, shall be used and employed in and about the business of the said school.

SEC. 5. *Be it further enacted*, That said Board of Trustees shall have power to hold meetings, elect a Chairman and Secretary, and fill vacancies that may occur in said board; that a majority of said board may constitute a quorum; and that they may have the right to use a common seal; to grant diplomas to the scholars of said Turley Female English and French Institute, and do all lawful acts for the benefit of said corporation.

SEC. 6. *Be it further enacted*, That, for the purpose of founding said institute, and endowing its professorships, and managing the real and personal estate thereof, said corporators and their successors, shall have all the powers, rights and privileges incident to such corporations; and may act, either by themselves or by agents; trustees or committees, appointed by them.

SEC. 7. *Be it further enacted*, That it shall and may be lawful for the President and Directors of the Memphis Gas-light Company to increase the stock of said company, to a sum not exceeding one million dollars, (\$1,000,000,) subject to the same rules and restrictions as provided in the original Act of incorporation of said company.

SEC. 8. *Be it further enacted*, That R. B. Vanderbille, George Newsom and William Sizemore, and their successors in office, be and they are hereby constituted a body corporate and politic, by the name and style of the "Sons and Daughters of Charity" of Edgefield; with power to sue and be sued, plead and be impleaded, to answer and be

answered, in all kinds of suits and actions; and to do and to perform all other acts and things which bodies corporate may lawfully do. Said corporation shall have power to receive by gift, donation or purchase, and hold property, personal, real and mixed; *Provided, however*, the same does not exceed one hundred thousand dollars (\$100,000) in value; and *provided*, the same can only be purchased, held, received and transferred for the purposes named in the following sections of this Act.

**Purposes, etc.** SEC. 9. *Be it further enacted*, That said society shall afford relief and assistance to its members in cases of sickness, death or disability; and also provide for their widows and orphans.

SEC. 10. *Be it further enacted*, That said society may establish branch societies for like purposes, in different portions of the State.

**How managed.** SEC. 11. *Be it further enacted*, That the affairs of the society shall be conducted by a Board of Directors, to be composed of a President, twelve Directors, a Secretary and Treasurer, all of whom shall be elected to office annually, by the members of the society; the election to be held on the 1st Monday in January of each year.

**By-laws, etc.** SEC. 12. *Be it further enacted*, That said corporation shall have power to pass all by-laws which may be necessary to carry out the objects of the same; to adopt for its government and constitution, all such rules and regulations as said directors may deem necessary; *Provided*, that the by-laws, etc., shall not be inconsistent with the Constitution and laws of the State of Tennessee. Said society, shall, by the name and style set forth above, have succession for ninety-nine years.

**Mountain City Cotton and Woolen Manfg Company.** SEC. 13. *Be it further enacted*, That Thomas A. Brown, George L. Gillespie and John Baxter, their associates, successors and assigns, are hereby created and constituted a body corporate and politic under the name and style of "Mountain City Cotton and Woolen Manufacturing Company;" and shall have succession for ninety-nine years; by said name shall be and are hereby made able and capable in law, to have, hold, receive, purchase, possess and enjoy, to them and their successors, all real and personal estate of whatever kind or amount said corporation may deem necessary to carry all the objects of said corporation into full force and effect; and may sell, grant, or convey, or otherwise dispose of the same; and may sue and be sued; plead and be impleaded; answer and be answered; defend and be defended, in all courts having

competent jurisdiction; to make, use and have a common seal; and the same, to break, alter, or renew at pleasure; and to do all other acts incident to a body corporate and politic.

SEC. 14. *Be it further enacted*, That the objects of said corporation shall be for the manufacture of cotton or wool, or any other material, into thread, cloth or other fabrics; or to do any other kind of work they may think proper to engage in. Objects.

SEC. 15. *Be it further enacted*, That the said body corporate shall have the power to prescribe the number of shares into which the capital stock of said corporation shall be divided; the mode in which it may be taken, paid, transferred and assigned; and also, to provide the mode by which stockholders may vote, and the number of votes to which each share shall be entitled; and the rules adopted, shall be uniform, equally securing the rights of each stockholder; and also to provide for the elections of such officers as may be deemed necessary for the government and management of the affairs of the corporation; to ordain, establish and put in execution, such by-laws, ordinances, and resolutions, as they may deem necessary or expedient for the government of the said corporation, and not inconsistent with the Constitution and laws of Tennessee; and generally to do and execute all and singular, the acts, matters and things which may be necessary to carry on the business of manufacturing. Powers and privileges.

SEC. 16. *Be it further enacted*, That said corporation shall have power to borrow money on mortgage or other security, and to loan out its earnings on similar security, or mortgage; and to ordain such rules and regulations, with respect to stockholders who fail or refuse to pay up any balance on their stock, as will compel them to pay, upon penalty of forfeiture of such stock, to said corporation; *Provided*, That no stockholder shall be liable beyond the amount of his, her, or their unpaid stock. May borrow money, etc.

SEC. 17. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, (\$50,000,) with the privilege of increasing it to five hundred thousand dollars; (\$500,000;) and that fifty thousand dollars (\$50,000) shall be subscribed, and ten per cent. paid in before commencing business. Capital stock.

SEC. 18. *Be it further enacted*, That the corporators above named, or any two of them, or their assigns, may open books for subscription to the capital stock; and when the sum of fifty thousand dollars (\$50,000) of stock shall have been subscribed, the stockholders shall elect Books, organization, etc.

three or five of their number as a board of directors, who shall serve for one year and until their successors are elected. Said board of directors shall have power to elect or appoint any and all officers they may desire.

Town of  
Smyrna.

SEC. 19. *Be it further enacted*, That the inhabitants of the Town of Smyrna, in the County of Rutherford, are hereby constituted a corporation and body politic, by the name and style of the "Mayor and Aldermen of the Town of Smyrna;" and by that name shall have perpetual succession; shall sue and be sued; plead and be impleaded in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said town, or without its limits for corporate purposes; and may lease, sell, or dispose of the same for the benefit of said town; and may make such contracts for public grounds and promenades, as may be deemed beneficial to said town; they shall have and use a common seal, and shall change it at pleasure.

Officers.

SEC. 20. *Be it further enacted*, That the officers of the town shall consist of a Mayor, five Aldermen, a Town Constable, and a Treasurer. The Mayor shall act and have all the rights and powers of a Recorder, in addition to his other powers and privileges; he shall be exempt as a jurymen, or from serving on juries. Other officers deemed necessary by the Mayor and Aldermen shall be elected and authorized by a vote of the Mayor and Aldermen.

How elected,  
etc.

SEC. 21. *Be it further enacted*, That the Mayor and Aldermen shall be elected by the qualified voters of said corporation; that all parties owning property within the corporate limits of said town, shall be qualified voters of said town, whether actual residents of the town or not, if said parties are qualified voters, under the laws of the State of Tennessee; that all officers of the corporation shall hold their offices for one year and until their successors are elected and qualified.

Sheriff to  
hold election,  
etc.

SEC. 22. *Be it further enacted*, That the Sheriff of the County of Rutherford shall open the polls in said town, on the 20th day of December, for the purpose of electing officers of the corporation; and shall issue certificates to the parties receiving the highest number of votes; which certificate shall become a part of the records of said corporation; and, upon the presentation of such certificates from the Sheriff, the party holding the same shall be sworn as such corporate officer, by any Justice of the Peace of said county, to whom the same may be pre-

sented; *Provided*, That no person shall be eligible or qualified as Mayor or Alderman, who is not a householder within, and an actual resident of the corporate limits.

SEC. 23. *Be it further enacted*, That all vacancies occurring by death, resignation or removal, shall be filled by a vote of the Mayor and Aldermen, or by the Aldermen, Vacancies. if the vacancy be that of the Mayor.

SEC. 24. *Be it further enacted*, That the number of Aldermen of said corporation shall be five, who shall, in connection with the Mayor, elect a Town Constable.

SEC. 25. *Be it further enacted*, That the Mayor and Aldermen shall have power, by ordinance, within the town:

1st. To levy and collect taxes upon all property taxable by law, for State purposes. General powers and privileges.

2d. To levy and collect taxes upon all privileges and polls taxable by the laws of the State; *Provided*, that the poll-tax shall not exceed two dollars annually; *and provided*, that no person shall vote in said corporation, who, at the time he presents his ballot, has not paid his corporation poll-tax for twelve months last past.

3d. To appropriate money provided for the payment of the debts and expenses of the town, by a levy of a special tax, when the same shall be necessary.

4th. To make regulations to prevent the introduction of contagious diseases into said town; and to prevent and remove nuisances; to open alleys; to abolish, widen, extend, Streets, etc. establish, grade, pave, or otherwise improve, clean and keep in repair streets, alleys and side-walks, or to have the same done at the expense of the owners of the grounds fronting thereto, when they refuse, after notice, to have the same work done.

5th. To establish, support and regulate a night watch and patrol.

6th. To erect a calaboose or lock-up, and regulate the government of the same. Buildings.

7th. To provide for the erection of all buildings necessary for the use of the town, and to pass laws making the injury, defacing, or destruction thereof, a misdemeanor.

8th. To regulate, license and tax auctioneers, grocers, merchants and druggists of every description, retailers, taverns, brokers, coffee-houses, confectionaries, retailers of liquors, hawkers and peddlers, livery stable keepers, and Taxes. all other matters within the corporation limits; and especially to license, tax and regulate theatricals and other shows, exhibitions and amusements.

9th. To prohibit and suppress all disorderly and baw-

dy houses houses within, or near proximity to the corporate limits.

Sale of provisions, etc.

10th. To provide for the inspection and weighing of stone coal, measuring of wood, and all other fuel; also, hay, corn, and all other grain; to regulate the inspection of butter, lard and other provisions; and to make such general provisions with regard to the vending of meats, poultry, fish and vegetables, as will protect the town against impositions, and preserve the rights of vendees, as well as that of the venders.

Breaches of ordinances, etc.

11th. To impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery of the same; with full power to imprison offender or offenders for refusal or failure to discharge or secure, according to ordinance, fines imposed upon them, either in the county jail or town calaboose, for a period not exceeding ten days; to provide for the arrest and confinement, either in the calaboose or county jail, of all disorderly persons within the town by day or by night; to authorize the arrest of all suspicious persons, and the detention thereof, who may be found violating the ordinances of said corporation.

Violations of the peace, penalties, etc.

12th. To prevent and punish by pecuniary penalties and imprisonment all violations of the peace and disorderly conduct, within the corporate limits; and to suppress any disorderly conduct or unusual noise in any house, or upon any premises in said town, by arresting and punishing the parties creating the same. The Mayor of said town shall have full power, in his capacity as Mayor, and in his capacity as Justice of the Peace, to assess fines, render judgments and issue executions thereon; and the same shall be in all respects binding, unless the party fined shall appeal to the Circuit Court of said county, in which case the Mayor, in his capacity as such, or in his capacity as Justice of the Peace, shall certify up the papers, which papers so certified, shall be received in the Circuit Court, or other Superior Court, as evidence; the usual bond shall be given in all cases of appeal.

Officers to give bond.

13th. The Mayor and Aldermen shall have all the powers and enjoy all the privileges usually enjoyed by other corporate bodies of a similar nature.

SEC. 26. *Be it further enacted*, That all of the officers of said corporation, who, by law, are intrusted with any of the funds of said corporation, shall be required to give bond, to be approved by the Mayor and Aldermen of said town.

Boundary of corporation.

SEC. 27. *Be it further enacted*, That the corporation of Smyrna shall be bounded as follows: Beginning in the

center of Hart's Branch, under the Nashville and Chattanooga Railroad bridge, which is over said branch; thence running up said branch eighty poles; thence parallel with the Nashville and Chattanooga Railroad, in an eastern direction to the center of a country road, which leads from Smyrna depot to the Nashville and Murfreesboro Turnpike, intersecting said pike near and east of Old Stewartsboro; thence on a line perpendicular to said Nashville and Chattanooga Railroad; thence with the line of J. R. Dillin to the north bank of Hart's branch; thence with said north bank of said branch to the Nashville and Chattanooga Railroad; thence with said road to the beginning.

SEC. 28. *Be it further enacted*, That the corporation of Smyrna shall be responsible to the officers of said town for <sup>Responsible for fees.</sup> all fees due by reason of inability of the parties to pay said fees, who have been arrested for violating the corporate laws.

SEC. 29. *Be it further enacted*, That the constable of said town shall have full and complete authority to receive executions, levy the same, and sell property for the collection of fines and forfeitures, and shall be liable by action <sup>Constable.</sup> before any Justice of the Peace, for any failure to promptly discharge his duties.

SEC. 30. *Be it further enacted*, That no description of property shall be exempt from execution for fines or forfeitures.

SEC. 31. *Be it further enacted*, That a body politic and corporate, is hereby constituted and established in the town of Humboldt, by the name and style of the "Humboldt Manufacturing Company," for the purpose of manufacturing goods and articles from cotton, wool and hemp, or such other material as said company may think proper to manufacture; and for the erection of mills, houses and machinery, for the grinding of grain and manufacture of flour, sawing and dressing of lumber, spinning and weaving of cotton and wool; said company is empowered to make and use a common seal, and the same to change and alter at pleasure; to make such by-laws not inconsistent with the Constitution and laws of the State and of the United States, as may be deemed necessary or useful; to sue and be sued, to plead and be impleaded; to have succession for ninety-nine years; to hold, by purchase or otherwise, and to dispose of the same at pleasure, any real estate or personal <sup>Powers.</sup> property which may be convenient or necessary for carrying on its operations, or which it may become possessed of, in payment of debts due to it in part or in whole.

Capital stock,  
organization,  
etc.

SEC. 32. *Be it further enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and divided into shares of one hundred dollars each; and whenever, in the opinion of the commissioners hereinafter appointed to open books for the subscription of stock, or majority of them, a sufficient amount of the capital stock has been subscribed to commence business, they shall, after giving twenty days' notice to the stockholders, proceed to hold an election for one President and five Directors of said company, out of the stockholders; and in the election of directors every stockholder shall be entitled to one vote for every share he may own; *Provided*, no stockholder shall vote that may be in arrears to said company. The Board of Directors shall have power to appoint a Secretary and Treasurer, Superintendent, and such other officers, overseers, or agents, as may be found necessary for carrying on the business of said corporation, and define their duties and liabilities; and in case the company shall organize and commence business before the whole of the capital stock is taken, the Board of Directors may, at any time thereafter, have the subscription increased by the employment of agents for that purpose, or otherwise, to the full amount of the capital stock as herein specified.

Proviso.

Forfeiture of  
Stock, etc.

SEC. 33. *Be it further enacted*, That the capital stock of said company shall be paid by such instalments as the Board of Directors may, from time to time call, and shall be transferable only on the books of the company; and the company shall have power to declare forfeited to it any stock which may remain unpaid in whole or in part; or it may, at its option, sue for and recover the unpaid amounts before any tribunal having jurisdiction of such sums, first however, giving thirty days' public notice of such call having been made.

books.

SEC. 34. *Be it further enacted*, That S. W. Sharp, A. Cross, H. T. Johnson, Jo. N. Lamron, W. J. McFarland and G. S. Reeidy, and their associates and successors, are hereby created a body politic and corporate; and with the parties above are hereby authorized to open books for the subscription of the capital stock of said company; and they, or any two of them, shall, at such time and place as they may think proper, open books for that purpose; and they, or any two of them, shall have full power and authority to employ an agent or agents to procure subscriptions of capital stock of said company.

SEC. 35. *Be it further enacted*, That Margaret Kirkman, Mary White Wade, Ella Muhead, Emily Hayes,



Clara Pearcey, Eliza Walker, Latitia Littlefield, Charlotte Ladies' Be-  
 Stump, Minerva Gentry, and all others who are now, or nevolent So-  
 may hereafter be associated with them, are hereby declared ciety, No. 1,  
 a body corporate and politic, under the name and style of of Nashville.  
 the "Ladies' Benevolent Society, No. 1, of Nashville."

SEC. 36. *Be it further enacted*, That the object and intention of said society is, and shall be, for the relief and assistance of its members, for waiting on and nursing the same in cases of sickness, procuring a burial ground, and burying its dead, and supplying those of its members with suitable raiment and food who are, from disability or otherwise unable to support or take care of themselves.

SEC. 37. *Be it further enacted*, That said society shall have succession for ninety-nine years, and be capable of suing and being sued in all courts of record or elsewhere; and shall have a common seal, and the same to make, break, Powers and  
 or alter at pleasure; and shall have the power to acquire privileges.  
 and hold real estate, personal or mixed property, by gift, donation or purchase, for burial grounds and other purposes; to assist in carrying out the objects and intentions of said society, and to dispose of the same in such manner as in its judgment may best subserve the purposes of said society.

SEC. 38. *Be it further enacted*, That the affairs of said society shall be conducted by a Board of Trustees, not less than five in number, one of whom shall act as President, one as Secretary, and one as Treasurer of said board; said Board of  
 board shall be elected as such, annually on the first Wed- Trustees.  
 nesday in October, of each year, and shall hold their office for one year, and until their successors are elected. Fifteen of said members of the society shall constitute a quorum to do business, but said number may be increased at any time, in proportion as the numbers of the society may increase.

SEC. 39. *Be it further enacted*, That said society shall have power to pass all by-laws which may be necessary to carry out the objects and intentions of the same, and for the By-laws, etc.  
 maintenance of good order in the same; and to adopt for its government a constitution, and all such rules and regulations as said society may deem necessary to accomplish its purposes; *provided*, that the same shall not be inconsistent with the laws and Constitution of the State.

SEC. 40. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

## CHAPTER XXIV.

AN ACT Requiring the Registrar of the Mountain District Land Office to keep his Office in the town of Sparta.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1 of An Act passed December 17, 1867, chapter 89, be so amended that hereafter the Registrar of the Mountain District Land Office shall be required to keep his office within the corporate limits of the town of Sparta. This Act to take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate.*

Passed December 11, 1869.

## CHAPTER XXV.

AN ACT Authorizing the Sale of the Real Estate belonging to Jackson College.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Aiken, A. M. Looney, Wm. R. Hodge, Nathan Vaught and Nat. F. Cheairs, and the other Trustees of Jackson College, be, and they are hereby, authorized to sell and dispose of the real estate belonging to said College, within and near the corporate limits of the town of Columbia, and collect and pay over the proceeds to the Masonic bodies entitled thereto.

SEC. 2. *Be it further enacted*, That any three of the above specified Trustees may act, and they may divide said real estate into suitable lots, and sell the same on such terms as they may think proper, and make and execute proper deeds.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate.*

Passed December 11, 1869.

## CHAPTER XXVI.

AN ACT to Reduce the Charter of the City of Memphis, and the several Acts Amendatory thereof, into one Act, and to Revise the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the inhabitants of the City of Memphis are hereby constituted a corporation and a body politic, by the name and style of "The City of Memphis;" and by that name shall have perpetual succession; may sue and be sued in all courts of law and equity; may purchase, receive and hold property, real personal and mixed, within the city, and may sell, lease or dispose of the same for the benefit of the city; and may purchase, receive and hold property, real, personal and mixed, beyond the limits of the city, to be used for the burial of the dead; for the erection of water works to supply the city with water, for the obtaining of sand, gravel or other materials to improve the streets, alleys or avenues of the city, and for other purposes; also for the establishment of work-houses, poor-houses, houses of correction, magazines for the storage of gunpowder; for the establishment of hospitals and infirmaries; and may sell, lease or dispose of the same for the benefit of the city; and the City of Memphis is hereby declared to be capable of taking and holding property, real, personal and mixed, both within and without the city limits, given or to be given, to be applied to charitable purposes, and of executing all such charity trusts in like manner as natural persons; and the City of Memphis is hereby declared to be capable of purchasing, receiving and holding property, both within and without the limits of the city, for the purpose of public squares and parks, and may make such improvements thereon, from time to time, as may be deemed necessary by the "General Council;" and all the right, title and interest in and to all the real estate within the limits of said city, which may hereafter be dedicated, donated or granted to any public use, shall vest in the corporation of the City of Memphis, for said use, and may do and perform all other acts as natural persons. They shall have and use a common seal, and may break, alter and change the same at pleasure.

General powers and privileges.

Same.

SEC. 2. *Be it further enacted,* That all that district of country contained within the following limits, to wit: Beginning at a point in the middle of the Mississippi River

Boundary line  
of Memphis.

on the prolongation of the North line of the Rice Grant ; thence Eastward with said North line of the Rice Grant and Brinkley Street, as indicated by Rucker's Map of the City of Memphis, to the intersection of said Brinkley Street, with Moseley Avenue ; thence South by the line of Moseley Avenue to the Raleigh Road ; thence Eastward on the line of the Raleigh Road to its intersection with Brinkley Avenue ; thence South by the line of said Avenue to its termination ; thence Southward on a straight line extended to Dunlap Street, and by the line of said Street South to the West boundary of Elmwood Cemetery ; thence by said boundary line to Walker Avenue ; thence by the line of Walker Avenue to Bayou Gayoso ; thence Northwardly by the said Bayou to Gains Street, and by the line of said street to the middle of the Mississippi River ; thence Northwardly with the meanderings of said river to the beginning ; *Provided*, that the people residing within the limits of the addition made to the City of Memphis by the Act of 1867, shall not be taxed to pay any part of the debt of the city or interest thereon, contracted prior to the passage of said Act of 1867.

Wards.

SEC. 3. *Be it further enacted*, That the City of Memphis shall have not more than ten wards, the boundaries of which shall remain as at present established, unless altered by the General Council of said city ; which shall have power to change the same from time to time, as said Council may see fit ; always in such manner as that each ward may have as near as may be, the same number of qualified voters.

Gen'l Council

SEC. 4. *Be it further enacted*, That the Legislative powers of the City of Memphis shall be vested in a Mayor, a Board of Common Councilmen, and a Board of Aldermen ; which together, shall be styled the General Council of the City of Memphis, and shall be elected as hereinafter provided.

Eligibility of  
Councilmen  
and Alder-  
men.

SEC. 5. *Be it further enacted*, That no person shall be eligible as a Common Councilman who has not attained the age of twenty-five (25) years, and no person shall be eligible as an Alderman who has not attained the age of thirty (30) years ; nor shall any person be eligible to a seat in either Board of General Council who has not resided one year in the City of Memphis, and two years in the County of Shelby next preceding his election, and has not been a *bona fide* resident of the ward for which he may be chosen, six months next preceding such election or who is not a citizen of the United States, or who holds or discharges any office or agency under the City of

Memphis, the County of Shelby, State of Tennessee, the United States, or any department thereof, or any of the States of the Union, or any Foreign Government, whatever, or who at the time of his election is interested directly or indirectly in any contract with the City of Memphis, or who holds any office of trust or salary in any corporation which holds any contract with said city, the terms rates or prices whereof are subject to modification or enforcement by said General Council; and no collector of, or keeper of any money for the city, shall be eligible to a seat in either board until he has settled with the city, and obtained a discharge in full; nor shall any member of the General Council take any interest, whatever, in any form, manner or shape, either directly or indirectly, in any contract with the City of Memphis, or be the beneficiaries of any contract by interest or assignment, either for work or labor, or for goods or supplies of any kind furnished; and if after election, any member of said Council should remove out of the ward for which he was elected or become a candidate for, or accept any office or agency the holding or discharge of which would have rendered him ineligible, or should become interested directly or indirectly, in any contract with said city, his seat thereby shall be vacated, and the vacancy shall be supplied as hereinafter directed. Stockholders in corporations may be eligible; but shall not vote on any question directly or indirectly affecting any contract with the corporation of which they are stockholders.

Eligibility.

Same.

SEC. 6. *Be it further enacted*, That the General Council first elected under this amended charter, shall lay off the City of Memphis into such number of wards as the interest of the city may require, not exceeding ten wards, as nearly equal in qualified voters as may be; and the qualified voters of each ward shall elect two qualified members of the Board of Common Council, and one of the Board of Aldermen; each General Council, after the first election, shall be elected by the wards as laid off by the Council elected under this amended charter; but every subsequent Council may alter or change the wards of the city, making representation equal and uniform throughout the wards.

Wards, etc.

SEC. 7. *Be it further enacted*, That the Common Councilmen shall be chosen for one year, and no longer; and Aldermen for two years, and no longer, from the day of their general election, but to hold offices until their successors are elected and qualified; but the Board of Aldermen first elected under this charter, shall, within three months after their election, divide themselves by lot, into

Term of office

Term of office.

two classes; first and second, as nearly as may be in point of numbers; and the seats of members of the first class shall be vacated at the end of one year, and the seats of the members of the second class shall be vacated at the end of two years; and the seats of members thus vacated, shall be filled by the qualified voters in their several wards, at the annual general election for members of the General Council.

Officers of Board.

SEC. 8. *Be it further enacted*, That each Board of the General Council shall elect annually from amongst its members, a President of the Board, and in the absence of the President, elect a President *pro tem*; the Register of the City of Memphis with such assistance as may be furnished, shall act as clerk for each board; the Sergeant-at-Arms, shall attend both boards, together with one or two assistants from amongst the police of the city.

Powers of Board.

SEC. 9. *Be it further enacted*, That each board shall judge of the qualification, election and return of its own members, and shall prescribe rules for the determination of contested elections; each board may determine its own rules of proceeding, and prescribe the punishment of its members for non-attendance, and disorderly conduct, and enforce the same; and two-thirds of its members concurring, may expel a member for improper conduct while in office. It shall require a majority of the members of each board to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and under a provision of an ordinance may compel the attendance of absent members by fine and penalties.

SEC. 10. *Be it further enacted*, That each Board of said Council shall keep a correct journal of its proceedings, and publish the same under such ordinances as they may pass.

Meetings, etc.

SEC. 11. *Be it further enacted*, That the General Council shall hold their meetings in such separate rooms as may be provided; they shall assemble in one week after their general election, and shall meet regularly at least once a month, and oftener if the time be fixed by ordinance; one board shall not adjourn for a longer time than twenty-four hours without the consent of the other.

Compensation

SEC. 12. *Be it further enacted*, That the members of the General Council shall receive such compensation as may be fixed by ordinance; which ordinance before it shall become a law, shall be submitted to the qualified voters of the city at the election for said members.

ies.

SEC. 13. *Be it further enacted*, That all vacancies in either Board of the General Council shall be filled by the board in which the vacancy occurs.

SEC. 14. *Be it further enacted,* That no ordinance shall be passed by the said Council until on two several days it shall be read in each board, unless in case of ur- Ordinances.  
gency a majority of two-thirds of the members elect of the board in which the proposed ordinance is pending, shall agree to suspend this provision.

SEC. 15. *Be it further enacted,* That the General Council shall have power to pass all laws and ordinances necessary and proper to carry out this charter; to fix the manner of transmitting business from one board to the Same.  
other, or to the Mayor and other city officers. The present ordinances of the City of Memphis shall be in full force until they are repealed or modified by the General Council.

SEC. 16. *Be it further enacted,* That when there shall be a tie vote in the election of members of the General Tie vote.  
Council, the judges of election shall certify the same to the Mayor, for the time being, who shall immediately thereupon issue his proclamation stating such fact, and order a new election.

SEC. 17. *Be it further enacted,* That the chief executive officer of the City of Memphis, shall be styled the Mayor, and be elected for two years, and until his successor has been elected and qualified by the qualified voters of said city, at the time and place for the general election of the General Council. No person shall be eligi- Eligibility of  
ble for the office of Mayor, who is not at least thirty (30) Mayor, etc.  
years of age, and who has not been a *bona fide* resident of the City of Memphis one year preceding his election, and a citizen of Shelby County two years, next preceding said election; or who at the time of his qualification holds any other office, or who is directly or indirectly interested in any contract with the city, and after his election, the Mayor becomes interested in any contract with the city, or accepts any office or agency under the United States or any department thereof, or of the State of Tennessee, or of the County of Shelby his office shall be thereby vacated.

SEC. 18. *Be it further enacted,* That the Mayor shall, from time to time, give to the General Council, informa- Duties of  
tion in writing, of the state of the corporation, and such Mayor.  
other information as the said Council may need; and may recommend to the Council such measures as he may deem expedient. He shall have a general supervision of all the officers of the city, and see that the ordinances are enforced, and the provisions of the charter.

SEC. 19. *Be it further enacted,* That every law ordinance passed by the General Council, shall be approved by the Mayor before it shall take effect. If he

Vetoed, etc.

disapproves it, he shall return it to the board in which it originated, at its next regular meeting after its passage, with his objections in writing; and no law or ordinance vetoed by the Mayor shall go into effect unless the same be passed in both boards, by a vote of two-thirds of the members elect; *Provided, however*, that, if the Mayor fails to return any law or ordinance, as aforesaid, he shall be deemed to have approved the same; and it shall become a law, without any further action of the board in which it originated; and every law, ordinance, resolution or vote, except on a question of adjournment, shall require the approval of the Mayor, before it shall have effect.

Pro tem. appointments.

SEC. 20. *Be it further enacted*, That the Mayor is hereby empowered to make *pro tempore* appointments, to supply the places of city officers in cases of sickness, absence, or other disabilities. He shall also have power to suspend any city officer for misconduct or dereliction of duty in office, reporting such action, with his reasons therefor, in writing, to the next regular meeting of the Board of Aldermen.

Special Sessions, etc.

SEC. 21. *Be it further enacted*, That the Mayor is hereby empowered to call special sessions of the General Council, by proclamation, or otherwise; and when so called, he shall state to them the object for which they shall have been convened. He shall, at least once in every three months, cause to be laid before the General Council, a statement of the financial condition of the city, which statement shall be published.

Powers of Mayor.

SEC. 22. *Be it further enacted*, That the Mayor of Memphis shall have the power, and exercise the functions of a Justice of the Peace; and he shall have jurisdiction within the limits of the city.

Compensation

SEC. 23. *Be it further enacted*, That the Mayor shall receive a compensation for his services, to be fixed by the General Council by ordinance, before his election, except that the salary of the Mayor first elected under the provisions of this amended charter, may be fixed by the General Council elected at the same general election with himself. He shall, before he enters upon the discharge of his duties, take an oath or affirmation, that he will support the Constitution of the United States and the State of Tennessee, and the charter and ordinances of the City of Memphis, and faithfully demean himself in office.

Vacancies.

SEC. 24. *Be it further enacted*, That when any vacancy shall happen by death, resignation, removal or otherwise, in the office of Mayor, such vacancy shall be filled by a



new election, and the General Council shall order a new election within ten days after the happening of such vacancy; *provided*, more than six months of the term shall then remain unexpired; if, within six months of the end of the term, the vacancy shall be filled by the General Council; and the President of the Board of Aldermen shall act as Mayor until such vacancy be filled.

SEC. 25. *Be it further enacted*, That in case of the temporary absence of the Mayor, or in case of sickness, the President of the Board of Aldermen shall discharge his duties; and, in the absence of the President of the Board of Aldermen, the duties of Mayor shall devolve upon the President of the Board of Common Council. Pro tems.

SEC. 26. *Be it further enacted*, That the Mayor shall countersign all warrants drawn upon the Treasurer; and shall sign all bonds, notes, or other evidences of city indebtedness; and shall sign all contracts to which the City of Memphis is a party. Signature of Mayor.

SEC. 27. *Be it further enacted*, That the Mayor may be removed from office for misdemeanor therein by a vote of two-thirds of the members elect of each Board of the General Council.

SEC. 28. *Be it further enacted*, That, in case of a contested election for Mayor, the General Council shall determine the same; and whenever it is ascertained that two or more persons have the same number of votes for Mayor, the President of the Board of Aldermen shall issue his proclamation, ordering a new election, and give ten days' notice thereof. Contested elections.

SEC. 29. *Be it further enacted*, That there shall be a Comptroller, a Treasurer, a Register, a City Attorney, a City Engineer, a Wharf Master, one Tax Collector, a Sergeant-at-Arms, one or more Inspectors, a City Recorder, a Chief of Police, a Hospital Physician, a Chief of the Fire Department, and such other officers and agents as may be provided by ordinance, and to perform such duties as may be provided by ordinance; all of whom except the Tax Collector and Wharf Master, shall be nominated, and by and with the consent of the Board of Aldermen and Common Council, in joint convention assembled, appointed by the Mayor, and shall hold their offices for two years, unless sooner removed and until their successors are elected and qualified; or in case of a vacancy, then until the expiration of the original term; and the said Tax Collector and Wharf Master shall be elected by the qualified voters of the City of Memphis, and shall give bond and security in like manner, and be Officers of Corporation.  
Terms of Office, etc.

subject to the same regulations and restrictions as the officers appointed under the provisions of this section; and and their salaries shall be fixed by the General Council.

Eligibility. SEC. 30. *Be it further enacted*, That no person shall be eligible to office in said city unless he shall have resided one year in the City of Memphis, and two years in the county of Shelby, next preceding his election; the salaries of all officers enumerated in the foregoing section shall be fixed by the General Council, after the election of said General Council, but before the election of said officers.

Seal. SEC. 31. *Be it further enacted*, That the Register shall be the keeper of the city seal, and shall affix the same with his signature, to all bonds, notes and certified copies of Acts of the General Council.

Bonds, etc. SEC. 32. *Be it further enacted*, That the General Council shall have power to require bond and security in such amounts as they may deem proper, from all persons holding office under the provisions of the charter of the City of Memphis, conditioned for the faithful discharge of their duties; and no person shall be qualified, or enter upon the discharge of the duties of his office until he has given bond and security, to be approved by the Mayor, President of the Board of Aldermen, President of the Board of Common Council and City Attorney.

Removals. SEC. 33. *Be it further enacted*, That any person holding office under the provisions of this charter, may, at any time, be removed from office by a vote of two-thirds of the members elect of the General Council; *Provided*, that this provision shall not apply to officers and privates in the Police Department, below and subordinate to the Chief of Police and Recorder, who shall only be removed by the Police Board herein provided for.

Police. SEC. 34. *Be it further enacted*, That so much of An Act to establish a Metropolitan Police District for the County of Shelby, and Acts amendatory thereof, as relates to police and police regulations in the County of Shelby and City of Memphis, be and the same are hereby repealed; and that hereafter all police powers for said city shall be and the same are hereby vested in the General Council of the City of Memphis, which shall have power to establish day and night watches and patrols for said city, and to pass all laws deemed necessary for the establishment and enforcement of proper police regulations in the City of Memphis. Said police department shall be under the immediate control of the Mayor of the city, the President of the Board of Aldermen and the President of the Common Council, who, together,

How controlled.

shall constitute the Police Board of the City of Memphis. Said Police Board shall have power to appoint all officers and subordinates in said department, except the Chief and Recorder; and to suspend and discharge the same at will. The number and pay of regular and special policemen shall be regulated by the General Council. All necessary, civil and criminal jurisdiction for the enforcement of the laws and ordinances passed by the General Council, shall be and the same are hereby conferred upon the Recorder of said city, who shall have power to hear and determine all cases that shall arise under the charter and ordinances of the City of Memphis, and who shall be *ex officio* a Justice of the Peace. Said Board of Police are empowered to enact, modify and repeal, from time to time, rules and regulations of general discipline.

SEC. 35. *Be it further enacted*, That the General Council shall have power to establish a work-house in the County of Shelby, to define by-laws or ordinances and misdemeanors; and when committed within the city limits, to punish the same by pecuniary fines and penalties, and by imprisonment and labor within or without a work-house, in default of the payment of said fines; to cause the arrest and trial of all vagrants, and riotous, drunken and disorderly persons within the city; and to punish said offenders as hereinbefore provided. To provide for the maintenance of paupers within the city, and to prohibit, by fine, their introduction into the city, by steamboats, railroads, or other transportation agencies; to regulate and suppress all disorderly houses and houses of ill-fame; to restrain, prohibit and punish, gaming; and to provide for the arrest and confinement, until trial, of all vagrants, riotous and disorderly persons.

SEC. 36. *Be it further enacted*, That the General Council shall have power to declare, by law or ordinance, how and in what manner, accounts against the city for work and labor done, or materials furnished, shall be audited, proved and presented for payment.

SEC. 37. *Be it further enacted*, That the General Council shall have power to pass all laws necessary to preserve the health of the city; and to establish a Board of Health, to prevent and remove nuisances, both within the city and within one mile of the same; to make quarantine laws, and enforce the same within ten miles of the city; to prevent the introduction of contagious diseases into the city; and to establish and regulate hospitals; to prohibit the erection of soap factories or slaughter pens, and houses or factories for curing green hides; and all houses of like character.

Licenses.

SEC. 38. *Be it further enacted*, That the General Council shall have power to license and regulate livery stables, auctions, grocers, saloons, tippling houses, beer gardens, dry goods stores, exchange offices, forwarding, commission and all other merchantile houses, confectioneries, brokers, insurance offices, hotel keepers, pedlars, hawkers; and also shows, circuses, theaters, and all other places of public amusement; all kinds of agencies for the sale of and transportation of freight and passengers, billiard tables and bowling alleys, shooting galleries and porters, and tax the same.

Same.

SEC. 39. *Be it further enacted*, That the General Council shall have power to license and regulate drays, carts, hacking coaches and other vehicles used in the city; to regulate and license porters and their charges, coachmen, hackmen, omnibusmen or cabmen, and their charges.

Fines, and other regulations.

SEC. 40. *Be it further enacted*, That the General Council shall have power to establish and regulate fire companies; to designate fire limits within which wooden buildings shall not be erected; to prevent the erection of buildings, dangerous to other improvements; and to remove them when so erected, upon paying the owner the value thereof; to regulate and prescribe the manner and order the building of partition walls and parapet walls, and partition fences; to regulate fire works, the sweeping of chimneys, the use of lights, stove-pipes and flues, in all shops, kitchens and other like places; to regulate the keeping and storage of gunpowder and other combustible articles, and prevent the same from being stored within the limits of the city, or within one mile of the same.

Navigation of Mississippi.

SEC. 41. *Be it further enacted*, That the General Council shall have power to improve the navigation of the Mississippi River within the limits of the city; to make, preserve and improve the steamboat and flatboat landing; and to control the erection and repairs of all wharves within the city and fix the rate of wharfage; to regulate the anchorage and mooring of steamboats and other water crafts, at various landings within the city; and prohibit or regulate wharf-boats.

Inspection laws.

SEC. 42. *Be it further enacted*, That the General Council shall have power to establish inspection laws within the city; to provide for the inspection, weighing and measurement of all kinds of provisions, provender, fuel, etc., for man and beast, and the price and weight of bread sold by the loaf; to provide for the gauging and inspection of all kinds of liquors.

SEC. 43. *Be it further enacted*, The General Council

shall have power to regulate the laying of railroad iron, and the passage of railroad cars through the city.

SEC. 44. *Be it further enacted*, The General Council shall have power to establish and regulate pumps, wells, cisterns, hydrants and fire-plugs; and to convey water into the city from the vicinity; to establish and regulate markets, and pass market laws and regulations; and to prevent the sale of fresh meats in less quantity than by the quarter, except at the market-houses. Water, etc.

SEC. 45. *Be it further enacted*, The General Council shall have power to provide for the erection and lighting of lamps; and for the erection of all buildings necessary for the use of the city. Lamps.

SEC. 46. *Be it further enacted*, The General Council shall have power to improve, preserve and keep in good repair; the streets, sidewalks, public landing and squares of the city; to open and widen streets, and to lay off new streets and alleys necessary, always paying the party injured, therefor; and by a unanimous vote to close up, transfer or sell any street, alley or public easment; and shall have, and exercise complete and perfect control over all the streets, squares and other property of the city, whether lying within or without the limits of the city; they shall also have power to compel the owner or owners of any ground, or private alley, to keep the same clean; and if necessary thereto, compel him or them to improve the same, and remove any nuisance from the same. Streets, Alleys, etc.

SEC. 47. *Be it further enacted*, The General Council shall have power, when any street or alley has been laid out, which in their opinion is not necessary for the public use, or when it is obvious that the location of the same may be changed or altered without any detriment to the public, to make such change of the location of the streets and alleys; *provided*, the owner or owners of adjoining property assent thereto; and *provided further*, that an equal amount of space for a street or alley be set apart for the use of the public in lieu of the original street or alley; and *provided further*, that said change and alteration of streets and alleys, when made, shall be accurately described by proper deeds and conveyances by the parties making the same, which shall be duly recorded on the books of the corporation, and in the Register's office for Shelby County. Change of Streets, etc.

SEC. 48. *Be it further enacted*, The General Council shall have power by ordinance, to compel the owners of property upon any street, alley, lane or avenue within the city, to grade and pave the sidewalks, the whole extent of Provided.

Paving sidewalks, etc.

Paving, etc.

his or her lot fronting on said street, lane, alley or avenue; whenever, they may deem it expedient or necessary for the comfort and convenience of the inhabitants of the city; to be done according to the grade furnished by the Engineer. But it shall not be lawful for the General Council to grade, pave, MacAdamize, water or light any street, lane, alley or avenue within the city, not established and opened according to law and ordinance; and when any person shall have so graded, paved and repaired any sidewalk according to the grade furnished by the city Engineer, and the grade shall afterwards be altered or changed by the act of the city authorities, the same shall be repaired paved and graded by the city at its own expense.

Same.

SEC. 49. *Be it further enacted*, The General Council are hereby authorized and empowered to provide by ordinance for the grading and paving of all the streets, lanes, alleys and avenues in the city, by the respective owners of real estate fronting thereon; and to enforce obedience to said ordinance by such fines and forfeitures as they may provide to be assessed and collected, as other fines and forfeitures; *Provided, however*, that when said real estate is owned by non-residents of the city, or by minors, said fines and forfeitures shall, and may be collected by motion entered in the Common Law Court of the city, twenty days before the meeting thereof, against said non-residents, minors or guardians, upon which judgment may be rendered at the first term, which judgment, when there is no personal property out of which it may be satisfied, shall operate as a lien upon the real estate ordered to be paved, until the same is satisfied; and should the owner or owners of any lot or lots fronting upon and adjoining such street, lane, alley or avenue, fail to comply with the provisions of any ordinance requiring him or them to repair, grade and pave the same within such time as may be prescribed by said ordinance, the General Council may contract with some suitable person or persons, for repairing, paving and grading the same, and pay therefor; and whenever the sidewalks or any street, lane, alley or avenue, shall be repaired, graded or paved, and paid for by the city, the payment thus made shall remain a lien on the property for one year after the same is paid for by the city; which lien may be enforced by suit before any court having jurisdiction of the cause; *Provided*, that this section shall not be so constructed as to require owners of real estate fronting on streets, lanes, alleys or avenues, which have never had an established grade, to grade them

Proviso.

until the city has established a grade, and graded the streets upon that grade first established, at its own expense.

SEC. 50. *Be it further enacted,* The General Council shall have power to require that the cost of grading, paving and repairing sidewalks, curbing and gutters along-side included, and of paving the entire carriage way, <sup>May charge owners.</sup> gutters included, of any street or any portion of any street or alley, shall be borne by the owners of the adjoining property, and in such manner, and with such material as the General Council may determine; and whenever the General Council may deem it necessary, they shall cause such grading and paving to be done in such manner as they may prescribe by ordinance; and cost of such grading, paving, repairing and re-paving, shall be borne by the owner of the adjoining property, and shall be apportioned and charged on the abutting lots, in proportion to their respective front; and shall be paid by the owners of such lots respectively; and all such work shall be done under the control of the City Engineer, by direction of the General Council, and shall be let out by the said Council, to the lowest and best responsible bidder, under such guards restrictions and regulations as they may prescribe by ordinance; so soon as any contract for grading, paving or repairing any street or alley, or portion thereof, shall have been made, the General Council shall proceed to levy and assess <sup>Same.</sup> upon each lot bounding or abutting the said street or alley, proposed to be improved, such a proportionable sum as shall make up the entire cost and expenses of said improvement, opposite the same, to the center of the street, and shall fix the time, within which the same shall be paid, the number of instalments, and the amount to be paid at each of such instalments; and thereupon the City Engineer shall make out and deliver to the City Attorney for collection, the accounts for such apportion cost of the improvement; and the owners of the lots charged therewith shall be bound to pay said costs, like liabilities contracted by themselves, and may be sued therefor either by the city or by the contractor performing the work in his own name; but the lots shall also be held for the respective apportioned share of such costs until the same with interest and cost of collection, be fully paid off; and a special lien on said lots is hereby given for such apportioned charge and cost; *Provided, however,* that on all streets where Street Railroads are operated, the said Railroad Company may be required in the discretion of the <sup>Proviso.</sup> General Council, to grade and pave as required by ordi-

nance, so much of said street as is between the rails and two feet outside thereof; and on refusal or failure to do said work in the time and mode required by ordinance, the City Engineer shall proceed to have the same done; and the costs thereof shall be collected as provided in cases of private individuals; and shall be a lien on the property of said railroad.

Levy and collect'n of taxes      SEC. 51. *Be it further enacted*, That the General Council shall have power to lay and collect taxes for the purpose of defraying the expenses necessarily incurred in administering the affairs of the city; but the tax imposed for that purpose shall never exceed one per centum, or one dollar on every one hundred dollars' worth of property within the city limits, liable to taxation, and valued at cash prices.

Special tax.      SEC. 52. *Be it further enacted*, That the General Council shall have power, in addition, to lay and collect a special tax for the sole and special purpose of paying the interest as the same may become due, on the bonds issued or to be issued by the city. The said tax shall not be greater than may be necessary for the purpose. A separate account thereof shall be kept; and the money received under it shall not be applied to any other purpose whatever.

When due.      SEC. 53. *Be it further enacted*, That the General Council shall have power, by ordinance, to provide during the last half of the corporate year, that assessments of property shall be made; and shall have power by ordinance, to provide and make all such taxes due from the the first day of the corporate year for which they were assessed. Assessments shall be made for the forty-third corporate year, as soon after the organization of the General Council, as practicable.

Sinking fund.      SEC. 54. *Be it further enacted*, That the General Council shall have power to lay and collect a special tax not to exceed one half per centum of fifty cents on every one hundred dollars' worth of taxable property, for the sole purpose of creating a sinking fund to be used in retiring the bonds of the city, as the same may become due.

Polls.      SEC. 55. *Be it further enacted*, That the General Council shall have power to lay and collect such poll tax as they may deem reasonable, upon all the inhabitants of the city liable to pay poll tax to the State.

Property exempt.      SEC. 56. *Be it further enacted*, That all buildings and grounds owned by the City of Memphis, and used exclusively for public purposes: such as for fire companies and fire engines, city water works, markets, market-houses



and their grounds, and such parts of the navy yard as are not leased to given parties, are hereby declared free and exempt from both State and county tax, so long as owned by the city and so used for public purposes.

SEC. 57. *Be it further enacted,* That all taxes assessed upon real estate within the city, shall be a lien upon such real estate superior to all other claims whatever, from the times they are assessed. Lien.

SEC. 58. *Be it further enacted,* That from and after the passage of this Act, whenever any taxes upon real estate shall be due and payable to the City of Memphis, and the delinquent tax payer shall have personal property sufficient to pay said tax, the Tax Collector shall, at the end of the fiscal year, report the name of the delinquent to the Recorder of said city, and obtain from him a distress warrant, directing said Collector to distrain and seize a sufficiency of the goods and chattels of said delinquent, to satisfy said demand, and to sell the same after thirty days' notice; and if said delinquent tax payers shall have no personal property, or not enough to pay said tax, costs and charges, then and in that case, the City Tax Collector shall report the lot or lands upon which said tax is due, together with the name of the owner or person to whom said lot is listed; amount of the tax, costs and charges; the corporate year for which due; and the number or description of said lot or lands, at any term of any law court in the County of Shelby, after the end of each fiscal year, under oath, for judgment and condemnation; and said court shall order judgment for the amount of said tax, costs and charges due on said lots or lands, to be entered of record against said lots or lands, and against said delinquent tax payers, respectively; and shall order said lots or lands to be sold by said Collector for said taxes, costs and charges, after giving thirty days' notice in any one newspaper published in the City of Memphis. As another mode for collection, the Collector may apply to the City Recorder for a garnishment against the debtors of any delinquent tax payer; and the Recorder is hereby empowered, without requiring a return of "No property found," to issue and dispose of said process, as a Justice of the Peace for Shelby County. Duties of  
Tax Collector  
  
Delinquent  
report.

SEC. 59. *Be it further enacted,* That whenever any real estate shall be offered for sale as provided for in the foregoing sections, the officer selling the same shall sell no more of any lot or part of lot than will be sufficient to pay the tax, cost and charges; and whenever any real estate shall be offered for sale for delinquent taxes, the Sale of real  
estate.

City purchaser, etc.

officer selling the same shall require the purchaser to make immediate payment, or in case of his failing or refusing so to do, shall offer the same again, and in case no one shall bid the amount due thereon, the property thus offered shall be knocked off to the city, which shall be considered the purchaser; but neither the officer thus selling nor the Tax-collector, shall be entitled to any commissions on the amount of sales of property thus knocked off to the city; the officer or Tax-collector thus selling any real estate, shall, without delay, after such sales, deliver to the City Attorney the certificate of purchase for each lot knocked off to the city, as is now required to be given to other purchasers, and shall take his receipt therefor, which shall be filed with the Comptroller; and the city shall have all such rights and benefits of existing laws as belong to a purchaser at a tax sale, and the General Council shall direct the necessary legal steps to be taken to obtain the possession of such property as is knocked off to the city and not redeemed by the owners thereof, as now required by law; no fees shall be allowed the Recorder for issuing the distress warrants or garnishment.

Possession.

Certificate, or deed, etc.

SEC. 60. *Be it further enacted*, That the officer thus selling any real estate, shall give to the purchaser a certificate of purchase, showing the amount paid, the number of feet of ground sold, the street on which the same is located and the number of lot or part of lot thus bid off; and should the owner fail to redeem in twelve months from the day of sale, the officer selling or his successor in office, shall make to the purchaser or his representatives or his assigns, a deed for the same, which deed, when so made, acknowledged and registered in the Register's office of Shelby County, shall be received and read as evidence in all courts of law and equity in this State, as other good and regular conveyances; *Provided, nevertheless*, that the owner of any real estate thus sold, may redeem the same at any time within twelve months from the day of sale, by paying the purchase money, with fifty per cent interest thereon.

Subscriptions to railroads.

SEC. 61. *Be it further enacted*, That the General Council shall have power by ordinance, to subscribe in behalf of the city, any amount of stock they may think proper, to any railroad within the State of Tennessee, which, in their opinion, will contribute to the material wealth of the city; and may issue bonds to pay for such subscription, for such length of time and upon such terms and conditions as they may deem proper; and take all necessary steps to protect the interest of the city in any railroad to

which she has or may subscribe stock; *Provided*, that no *Proviso.* such ordinance shall be enforced until the same shall have been submitted to the qualified voters of the city for their approval, to be taken at an election held for that purpose, after thirty days' notice, by proclamation of the Mayor, or published in two or more daily newspapers of the city. The General Council shall also have power, for the purpose of making any public improvement that may be deemed necessary for the city, or of acquiring any property for the public use of the city, or to fund the debts now due or to become due the city, to issue the bonds of the city, bearing interest not to exceed six per centum per annum, and having not more than thirty years to run; *Bonds, etc.* but this authority shall not be exercised unless the ordinance authorizing the same shall first be submitted to a vote of the qualified voters of the city, at an election to be held for the purpose, and after giving thirty days' notice of the time and place of election, in two or more daily newspapers published in the city; and if a majority of those voting shall decide against the proposition, the bonds shall not be issued.

SEC. 62. *Be it further enacted*, Whenever it may become necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, or for the purpose of straightening any branch or bayou in the limits of the city, the corporation shall make just compensation therefor, to the person or persons whose property is so taken; and if the amount of such compensation cannot be agreed upon between the parties, there shall be a jury of five freeholders, residing in the city, appointed—two by the Mayor and two by the owner or owners of the property, or his or their agent; and they shall appoint the fifth to ascertain the amount of compensation to be paid. When the jury of freeholders shall proceed to ascertain the amount of compensation to be paid for the opening, widening or altering of any alley, street or other avenue, it shall be their first duty to ascertain the actual value of the land proposed to be taken, without reference to the proposed improvement, or its effect upon adjoining lands: they shall then proceed to assess against the city the amount of benefit to the public generally, and the balance against the owner or owners of the property benefitted by the opening of such alley, street or avenue, according to the value of the property so assessed, and in the proportion that such property may be respectively benefitted by the proposed improvement; and he sum or sums to be paid the owner of the property es-

*May take property.*

*Jury value.*

pecially benefitted by such improvements as ascertained by the jury, shall be a lien upon the property so charged, and shall be collected as other assessments for improving streets.

Notice to  
owner, etc.

SEC. 63. *Be it further enacted*, That the Mayor of the city shall appoint the time for the meeting of the jury, and shall give the owner or owners of the property thus being appropriated, or his or their agents, if within the city, five (5) days' notice of the time and place of the sitting of the jury; and when the jury are assembled, they shall be sworn to decide the controversy according to the law and evidence, and shall return a copy of their inquest in writing, to the Mayor, and a copy to the owner or owners of the property, or his or their agents. In the event the owner or owners refuse, or fail, or neglect to appoint two jurors on his or their part, the Mayor shall have power to appoint four jurors, and they the fifth; and in the event the owner or owners of the property shall not reside in the City of Memphis, or County of Shelby, and shall have no agents in the City of Memphis, or Shelby County, the Mayor shall appoint four jurors, and they shall appoint a fifth, who shall act as a jury, as hereinbefore provided; *Provided, however*, that in the event the owner or owners of the property, or his or their agents, shall not reside in the City of Memphis, or County of Shelby, the Mayor shall, before he appoints the four jurors, give thirty days' notice in some newspaper published in the City of Memphis, to the owner or owners of the property, requiring him or them to appoint two jurors; and in case of failure on his or their part to do so within thirty days after the notice thus given, the Mayor shall then proceed to appoint four jurors, and they the fifth, who shall act as a jury as hereinbefore provided.

Proviso.

Appeals.

SEC. 64. *Be it further enacted*, That either party shall have power within ten days after the return of any inquest thus made, to take an appeal on the same from the decision of the jury to the Circuit Court, or to the Common Law Court of the City of Memphis; but when an appeal shall be taken by the owner or owners of the property, the General Council may, after having made a tender of the amount of compensation assessed by the jury to the owner or owners of the property, or his or their agent, appropriate all such property for said public purposes before the termination of the suit.

SEC. 65. *Be it further enacted*, That the General Council shall have power to pass all laws and ordinances which may be necessary for the prompt and efficient collection of

the revenue of the city. Two thirds of the revenue collected in each ward from real estate, shall be expended in such ward, unless the members of the General Council of the ward otherwise agree, or unless the same be required for the purposes herein specified. Revenue.

SEC. 66. *Be it further enacted*, That the fiscal year of the corporation shall begin on the first Monday after the first Thursday in January in each year.

SEC. 67. *Be it further enacted*, That the County of Shelby shall provide for all paupers and destitute persons of unsound mind, and for the burial of such as well within as without the city, according to and to the same extent as required by the general laws of the State. The inhabitants of the City of Memphis are hereby exempted from working on any road beyond the limits of the city, and from any tax to procure laborers to work upon the same. Paupers, etc.

SEC. 68. *Be it further enacted*, That there shall be a digest of the ordinances of the city, which are of a general character, published every three years under the direction of the General Council; and whenever so published, shall be read as evidence in all the courts of the State, without proof. This charter shall be a public Act, and may be read in all the courts of law and equity in this State, without proof. Digest.

SEC. 69. *Be it further enacted*, That, to enable the General Council or either board fully to investigate charges against its own members, or other officers, or such other matters as they may deem proper, the Mayor or Recorder, at the request of either board, is hereby empowered to issue subpoenas and compulsory process, to compel the attendance of persons, and the production of books and papers before the General Council, or either board, or any committee of the same. Subpoenas.

SEC. 70. *Be it further enacted*, That no order of the General Council shall be made involving the expenditure of money, or involving the contraction or creation of any debt against the corporation, unless the money be actually in the City Treasury to pay for the same, which shall be ascertained from the statements of the City Treasurer, who shall at every regular meeting of the General Council, report to both Boards, the condition of the city finances as shown by his books; and when any appropriation is made and ordered by the General Council, the Treasurer shall retain and set apart for the especial purpose of meeting such appropriation, an amount sufficient to satisfy the same, and the amount so set apart shall be used for no other purpose. Expenditures.

General elec-  
tions.

SEC. 71. *Be it further enacted*, That a general election for all officers of the city required to be elected by this charter by a vote of the qualified voters of the city, shall be held on the first Thursday of January of each year; and judges of the election shall be appointed for each ward, by the Mayor.

Ward Reg-  
isters.

SEC. 72. *Be it further enacted*, That at least thirty days before the general election in January, 1871, and annually thereafter, the Mayor shall appoint by and with the advice and consent of the Board of Aldermen, a suitable person as Register for each ward in the city, who shall receive such *per diem* compensation as the General Council may allow. He shall have an office in some suitable place in his ward, and shall open books for the registration of all persons allowed by existing laws to vote in any municipal election, and who reside in said ward; and every voter in each ward, shall, before offering to vote, cause himself to be registered in said books, and shall receive from the Register a certificate of registration, which shall be numbered to correspond with the name and number on the books of the Register; and no person shall be suffered to vote at any municipal election who shall not have and produce to the judges of election, his certificate as afore-  
said; and no voter shall be allowed to vote in any other ward than the one where he resides and is registered. These books shall be kept open until fifteen days before the election, when they shall be delivered to the City Comptroller for safe keeping, who shall not allow them to be altered or amended, or removed from his possession except as hereinafter provided. On the day of election the City Comptroller shall deliver to the judges of election in the different wards, the proper books of such wards, with a list of the voters therein, arranged in alphabetical order; and after the polls are closed, these books shall be returned by the judges to the Comptroller, to be kept by him for future use and reference. The judges of election shall not allow any one to vote who shall not have been duly registered, and who shall not produce a certificate thereof, which shall correspond with the entry in the Register's book. The judges of election and the Register shall each take an oath before entering upon the discharge of their respective duties, to comply with the provisions of the law as applicable to each; and any violation thereof shall be considered a felony, and subject the offender, on conviction, to a fine of not less than five hundred nor more than one thousand dollars, and imprisonment in the county jail not exceeding twelve months, or either or both.

Voters, etc.

Register's  
books.

Oath.

SEC. 73. *Be it further enacted*, That any person who shall make false representations to the ward Register with regard to his residence and qualifications as a voter, for the purpose of obtaining a certificate of registration, or who shall vote or offer to vote upon a certificate not in his own name, and issued to himself, or who shall attempt to vote or vote twice the same election, shall be guilty of a felony, and on conviction, shall be fined not less than fifty nor more than one hundred dollars, and be imprisoned in the county jail not exceeding twelve months, or either or both.

SEC. 74. *Be it further enacted*, That at all elections for city officers, the voters shall vote by ballot, and the elections shall continue one day and during the hours between 10 A. M. and 5 P. M., at which times the polls shall be opened and closed.

SEC. 75. *Be it further enacted*, That no man shall be a qualified voter unless he be twenty-one years of age, a citizen of the United States, and of the State of Tennessee; and shall have been an actual *bona fide* resident of the City of Memphis six months, and of the ward in which he offers his vote thirty days next preceding the election at which he offers his vote, and shall have registered, as herein provided.

SEC. 76. *Be it further enacted*, That so much of the Act passed March 9, 1868, entitled "An Act to compel voters to register in their respective wards," &c., as relates to the registration of voters in the City of Memphis, shall be in full force and effect until after the election for officers, &c., of the City of Memphis, in January, 1870.

SEC. 77. *Be it further enacted*, That an election be held under this charter for a Mayor of the City of Memphis, and members of the Common Council and Board of Aldermen, on Thursday the 6th day of January, 1870; and upon their election and qualification, that the terms of the present Aldermen of the City of Memphis shall expire; and that the said General Council shall organize and enter upon the discharge of their duties. The sheriff of Shelby County shall hold all general and special elections provided for by this charter, under the regulations herein prescribed.

SEC. 78. *Be it further enacted*, That this charter shall go into effect the first Thursday in January, 1870; and all Acts or parts of Acts conflicting with the provisions of this Act, are hereby repealed—to take effect from and after date.

SEC. 79. *Be it further enacted*, That the inhabitants of the town of Lewisburg in the County of Marshall, as

Town of  
Lewisburg in-  
corporated.

the same extends and is laid out, are hereby constituted a corporation and body politic by the name and style of the Mayor and Aldermen of the Town of Lewisburg; and by the same name, shall have succession; shall sue and be sued, plead and impleaded, in all courts of law and equity, and in all actions whatever; may purchase, receive and hold property, real and personal, within said town; and may sell, lease or dispose of the same for the benefit of said town; and may purchase, receive and hold property, real and personal, beyond the limits of said town, to be used for the burial of the dead, for the erection of Water Works, for the establishment of a hospital, for a poor house, work-house or house of correction; and may sell, lease or dispose of said property, for the benefit of said town; and to do all other acts touching the same, as natural persons; they shall have and use a common seal, and change it at pleasure.

Mayor and  
Aldermen, etc

SEC. 80. *Be it further enacted*, That there shall be a Board of Mayor and Aldermen; the Board of Aldermen shall consist of five persons chosen by the qualified voters of said town, for one year; a majority of whom, with the Mayor, shall constitute a quorum of said board, to do business, and act under this Act; no person shall be an Alderman unless he be a citizen of the State of Tennessee, and *bona fide* resident of the corporation for which he is elected, and a householder in said town; any Alderman after his election, removing from said corporate limit, or ceasing to be a householder, shall thereby vacate his office; each Alderman shall, before entering upon the duties of his office, take an oath that he will demean himself in said office properly; and any Alderman for any malfeasance, non-feasance, or misfeasance in office, may be removed by a two third vote of the other Aldermen present and voting. All vacancies in the Board of Aldermen shall be filled by the vote of the majority of the remaining Aldermen. The Board of Aldermen shall provide by their laws, for the temporary absence of the Mayor, Recorder, and Constable.

Duties and  
powers of  
same.

SEC. 81. *Be it further enacted*, That the Mayor shall be elected by the qualified voters of the town, and shall hold his office for one year and until his successor is elected and qualified. No person shall be elected Mayor who is not at the time of his election, a citizen of the State of Tennessee and a *bona fide* resident and householder of said town. When two or more persons shall have an equal number of votes for the office of Mayor, the election shall be decided by a majority of the votes of



the Board of Aldermen elect; a vacancy in the office of Mayor, shall be filled in the same manner. The Mayor may fill all vacancies occurring in any office, except that of Alderman, until the same is filled by election. It shall be the duty of the Mayor to preside at all meetings of the Board of Aldermen, and in the case of a tie vote, shall have the casting vote. No bill shall become a law without first being passed by a majority on three several readings, and be signed by the Mayor. Should any bill thus pass, not meet the approbation of the Mayor, he shall return the same at the next regular meeting of the Board of Aldermen, with his objections in writing; the Board of Aldermen shall then take the objections into consideration, and proceed to the consideration of the bill; and if after such reconsideration, two thirds of the Board again pass the bill, it shall become a law. It shall also be the duty of the Mayor to take care that all the ordinances of the town be strictly enforced, respected and observed in said town; and should he fail in this respect he shall be ousted of his office, two thirds of the Aldermen agreeing to the same; and he shall take an oath of office before he enters upon the discharge of the duties of the same; and to call special sessions of the Board whenever he may deem it necessary. Same.

SEC. 82. *Be it further enacted*, That the Board of Aldermen shall have full power and authority to appoint all officers and agents of the corporation, such as they may deem necessary and may provide by ordinance; they shall also fix the compensation of such officers, before their election, which shall not be increased or diminished during their continuance in office; they shall also have power to dismiss any officer or agent by them appointed, two thirds of a quorum of said Board voting to concur in such dismission. Officers, etc.

SEC. 83. *Be it further enacted*, That the Town Constable and Recorder of said corporation, shall in all respects, after their election to office, be subject to the by-laws, rules and regulations of the Board of Aldermen of said corporation; and for any violation, neglect or disregard of duty, by-laws, rules and regulations, may, at the will and discretion of two-thirds of said Board, be removed from office as provided for in the preceding section. Constable and Recorder.

SEC. 84. *Be it further enacted*, That an election for Mayor, Aldermen and Town-constable, shall be held at the Court-house in said town, by judges of election, appointed by the Sheriff of said county, on the fourth Saturday in March, every year, the voters to vote by ballot. Annual election, etc.

Non-resident freeholders are qualified voters. The judges appointed as above stated, shall take an oath to faithfully and impartially discharge their duties. They shall open the polls at 11 o'clock, A. M., and close them at 3 o'clock, P. M., when they shall forthwith ascertain and certify to the existing Mayor the result of such election. In all cases of contested elections, or of a tie vote, either of the Mayor, Aldermen or Constable, it shall be the duty of the Recorder to qualify the person or persons elected, according to the returns of the officers; and after their qualification, they shall hear the testimony and decide upon the right to the contested seat, and make a selection from those who have a tie vote.

Legal processes.

SEC. 85. *Be it further enacted*, That the Town Constable of said corporation of Lewisburg, shall have power to execute State warrants and other processes which constables generally have the power to execute within the limits of said corporation; and that the policemen of said corporation may serve warrants, summonses, and executions in behalf of and within said corporation; and in case of resistance to the execution of any process, said officers shall have power to summon force sufficient to execute said process.

SEC. 86. *Be it further enacted*, That the Mayor and Aldermen shall have power, by ordinance, within said town :

General powers and privileges of Mayor and Aldermen.

1st. To levy and collect taxes upon all property taxable by law for State purposes, being in the bounds of said corporation as it is now or may hereafter extend, whether improved or unimproved.

2d. To levy and collect taxes upon all privileges and polls taxable by the laws of the State.

3d. To appropriate money and provide for the payment of the debts and expenses of the town.

4th. To make regulations to prevent the introduction of contagious diseases into the town; to make quarantine laws for the purpose, and enforce the same within ten miles of said town.

5th. To establish hospitals and make regulations for the government thereof.

6th. To establish a system of free schools and regulate the same so as to avoid sectarian influence.

Same.

7th. To make regulations to secure the health of inhabitants, and to prevent and remove nuisances.

8th. To provide the town with water works within or beyond the boundaries of said town.

9th. To open, alter, abolish, widen, extend, establish,

grade, pave, or otherwise improve, clean and keep in repair, streets, alleys and sidewalks, or to have the same done.

10th. To erect, establish and keep in repair, bridges, culverts, sewers and gutters.

11th. To erect market-houses, establish markets and regulate the same.

12th. To provide for the erection of all houses and buildings necessary for the use of the town.

13th. To provide for the enclosing, improving and reg- Same.  
ulating all public grounds belonging to said town in or out of the corporation.

14th. To license, regulate and tax auctioneers, grocers, merchants, retailers of liquors, hawkers, pedlars, livery stable keepers, keepers of billiard tables, ten-pin alleys, retailers, taverns, brokers, coffee houses and confectionaries.

15th. To license, tax and regulate and suppress, theatrical and other exhibitions, shows and amusements.

16th. To regulate, or prohibit and suppress disorderly or bawdy houses.

17th. To regulate the police of the town; to impose fines, forfeitures and penalties, for breach of any ordinance, and to provide for their recovery and appropriation; and in case any one who violates any of said ordinances, and is fined for the same, and who fails or refuses to pay said fine, or secure the same, shall be imprisoned in the county jail for ten days, or until he secures or pays said fine; to elect a Recorder, who shall have jurisdiction in all cases of Penalties, etc. the violation of their ordinances, to impose fines, forfeitures and penalties for the same; and in case of refusal on the part of the defendant to perform the judgment of said Recorder, to imprison, as above stated; and he is also hereby invested with concurrent jurisdiction with Justices of the Peace, in all cases of violation of the criminal laws of the State within the limits of said corporation.

18th. To provide for the arrest and confinement, until trial, of all riotous and disorderly persons within the town, by day or by night; to authorize the detention of all sus- Arrests.  
picious persons found violating any ordinance of said town.

19th. To prevent and punish by pecuniary penalties, or by imprisonment, all breaches of the peace, noise, disturbances or disorderly assemblies, in any street, house, or place in the town, by day or by night.

20th. To fix from time to time, the boundaries of said corporation.

21st. To prevent and remove all encroachments into and upon the public square, streets, lanes, avenues and alleys, established by law or ordinance.

22d. To remove all obstructions from the public square, streets, lanes, alleys, sidewalks, etc., and to provide for the construction or repair of all sidewalks, etc., curbstones, at the expense of the owners of the ground fronting thereto.

23d. To pass all ordinances not contrary to the constitution and laws of the State, that may be necessary to carry out the full intent and meanings of this Act, and to accomplish the object of this corporation.

Public Act.

SEC. 87. *Be it further enacted*, That this Act is hereby declared to be a public law and may be read in evidence in all the courts, without proof or special pleading.

Work-house,  
fines, etc.

SEC. 88. *Be it further enacted*, That the corporate authorities shall have power to erect and organize a work-house in said town; and any person who shall fail or neglect to pay any fine or cost imposed on him or her by any ordinance of said town, shall be committed to the work-house until such fine and cost be fully paid. Every person committed to the work-house, shall be required to work for the town at such labor as his or her health and strength will permit, within or without said work-house, not exceeding ten hours each day, and for such work and labor the person or persons so employed, shall be allowed, exclusive of board, a credit upon such fine and cost, of not less than seventy-five cents per day, until the work is discharged, when they shall be released; *Provided*, that no person shall be compelled to work longer than——days for any offense.

Imprison-  
ment.

SEC. 89. *Be it further enacted*, That when said corporation shall have established the work-house as stated in the above section, then it shall not be lawful for them to imprison any one in the county jail, but until then they shall have full power to do so.

SEC. 90. *Be it further enacted*, That all Acts and parts of Acts contrary to and inconsistent with the provisions of this Act, or within the purview thereof, are hereby repealed.

Lynnville  
Station incor-  
porated.

SEC. 91. *Be it further enacted*, That the town of Lynnville Station, in the County of Giles, and the citizens and inhabitants thereof, are hereby incorporated, by the name and style of the "Mayor and Aldermen of Lynnville Station," and shall have succession for ninety-nine years; and by their corporate name may sue and be sued, plead and be impleaded; grant, receive, purchase and hold real and personal property, sell and dispose of the same at pleasure, for the benefit of said town; and may have and use a town seal.

SEC. 92. *Be it further enacted,* That the territory <sup>Boundary</sup> comprised within the limits of said town or corporation, <sup>line.</sup> shall be as follows, to wit: Beginning in the center of the road leading from the Nashville and Pulaski Turnpike to Cornersville on the line dividing the lands of R. H. Laied on the west, and F. M. Gorden and J. M. Farmer, on the east—running thence south to the center of Robinson's Fork of Richland Creek, thence eastward with said creek one half mile, thence north one half mile, thence west one half mile, thence south to the beginning.

SEC. 93. *Be it further enacted,* That there shall be elected by the qualified voters of said town, on the first Saturday in January next, seven Aldermen, who shall elect one of their number Mayor; said Mayor and Aldermen to hold their office for the term of one year, and until their successors are elected and qualified; every subsequent election shall be on the first Saturday in January, of each and every year, by giving ten days' notice of the time and place of holding the same. The said Mayor and Aldermen may elect a Constable, Recorder and Treasurer of said town, at any regular meeting of said Board, who, before entering upon the duties of their offices, shall give bond and security for the faithful discharge of the same, in such sums as may be required by said Board of Mayor and Aldermen. <sup>Elections, etc.</sup>

SEC. 94. *Be it further enacted,* That five of said Aldermen shall constitute a Board for the transaction of business; the Mayor shall have the casting vote on all questions before them; and the Mayor and Aldermen shall take an oath before entering upon the duties of their respective offices, before some Justice of the Peace of said county, to faithfully and impartially demean themselves during their continuance in office. <sup>Quorum, etc.</sup>

SEC. 95. *Be it further enacted,* That no person shall be eligible to the office of Mayor and Alderman, unless he be a citizen of the State of Tennessee, and an actual resident in said town.

SEC. 96. *Be it further enacted,* That it shall be the duty of the Sheriff of said county to advertise, open and hold the first election for Aldermen, giving ten days' notice of the time and place of holding the same; but all subsequent elections for Aldermen shall be advertised, opened and held by the existing Board of Mayor and Aldermen at such time and in such manner as heretofore prescribed; all persons in said town, residents, and paying taxes therein, shall be qualified to vote at said election; <sup>Election.</sup>

absence the Aldermen shall chose one of their own number *pro tem*.

SEC. 107. *Be it further enacted*, That no person shall be elected or qualified as Mayor or Alderman, who is not a *bona fide* resident of the town at the time of his election.

Bonds, etc. SEC. 108. *Be it further enacted*, That the Mayor shall be *ex officio* Recorder and Treasurer, and shall give bond with good and sufficient security in the sum of———dollars, payable to the Board of Aldermen and their successors in office, conditioned upon the faithful discharge of the duties of his office; said bond to be filed in the County Court Clerk's office; the Mayor shall also keep all the Records of the Council.

Jurisdiction. SEC. 109. *Be it further enacted*, That the Mayor of the Town of White Bluff, shall have concurrent jurisdiction with Justices of the Peace, in all cases of the violation of the criminal laws of the State, or of the ordinances of said town, within the corporate limits thereof.

SEC. 110. *Be it further enacted*, That, before any law or ordinance passed by the Board of Aldermen, shall go into effect, it shall receive the signature of the Mayor.

Powers of Constable. SEC. 111. *Be it further enacted*, That the Town-constable shall have full power to collect all fines, forfeitures and costs which may be imposed upon any person or persons for any violation of the by-laws and ordinances of said corporation, and shall have the same power and authority in the collection of the same, in any portion of the County of Dickson, as are now had and enjoyed by any of the civil officers of said county. He shall also collect all taxes that may be assessed by the Board, and he shall give his receipt officially therefor, to the tax payer; and shall also have the same right to collect by process of law, as is now enjoyed by collectors of State and county revenues, be governed by the laws governing such Tax-collectors, and he shall pay all such moneys, when collected, to the Mayor, and take his receipt therefor; shall have power and authority to arrest any person or persons charged with a violation of the by-laws of said corporation, anywhere in said County of Dickson; he shall perform also such other duties as are imposed by law or ordinance.

Johnson City. SEC. 112. *Be it further enacted*, That Johnson's Depot, in Washington County, be incorporated by the name of "Johnson City;" and the boundaries of said Johnson City shall be one half mile in every direction from the centre of the depot building now erected on said depot grounds of said Johnson's Depot; and the inhabitants of

said Johnson City are hereby incorporated and constituted a body politic, under the name and style of Johnson City; may have and use a common seal; may sue and be sued, plead and be impleaded; may answer and be answered in any court of law or equity in this State or elsewhere; and be invested with all general rights, privileges, and powers that other municipal corporations in this State are entitled to. They may elect a Mayor and five Aldermen, who shall pass such laws and ordinances as they may deem expedient, not inconsistent with the general laws of corporations; and they may also elect a Recorder, one Justice of the Peace, and one Constable for said town, with the rights and official powers and authorities of other officers of the kind. They shall hold said offices for the same period of time that other Justices and Constables in this State hold theirs; and they shall be elected by the qualified voters within said corporation, on the first Monday in January in every year. The said corporation shall have the right of succession for ninety-nine years; and may trade, transfer and convey all kinds of property, and buy the same, like individuals, and be subject to the same laws of contract as govern private individuals.

Powers and  
Privileges.

SEC. 113. *Be it further enacted*, That the aforesaid corporation shall have power and authority to suppress all riots, together with all other species of misconduct that may transpire within the limits of said corporation.

SEC. 114. *Be it further enacted*, That the officers of said corporation may have power to assess and collect taxes off of all the citizens living within the limits of the corporate boundaries, for corporation purposes; and do all other things necessary to the health and improvement of Johnson City.

Taxes, etc.

SEC. 115. *Be it further enacted*, That all elections for officers of said Johnson City shall be held by the Sheriff of Washington County, he giving five days' notice of the time and place thereof.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 1, 1869.

## CHAPTER XXVII.

AN ACT to Clear Out and Make Navigable the Forked Deer River, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Isaac Bracken and his associates, are hereby incorporated under the name and style of the "Forked Deer Improvement Company;" and he is hereby authorized and empowered to clear out and keep open and free from obstruction, the navigation, the entire year, for small steamboats, barges, flats, rafts, etc., the Forked Deer River, from Dyersburg, to the mouth of the same where it empties into the Mississippi River, for the period of twenty-five years.

SEC. 2. *Be it further enacted*, That, in consideration of said corporation and his associates cleaning out and keeping in good navigable order, the said Forked Deer River, the County Courts of Dyer and Lauderdale, are hereby authorized to fix and determine the rate of toll on said river, not exceeding seventy-five cents per ton freight or tonnage on all goods, wares, merchandise; and not to exceed three cents per thousand on lumber, rafts, etc., and every thing else in reasonable proportion that may pass up or down said river; *Provided*, that the General Assembly may, at any time hereafter, repeal or modify the charter of incorporation herein and hereby conferred; and *provided further*, that no toll shall be collected without the rate is fixed by the County Courts of said counties of Lauderdale and Dyer; and *provided further*, that no toll shall be collected from boats, flats, rafts, or other water crafts, built, launched or navigated in said river above Dyersburg.

Rates of toll.

SEC. 3. *Be it further enacted*, That nothing in this Act shall be so construed as to prevent the said incorporator and his associates from having a reasonable length of time after freshets, to remove any and all obstructions caused by unavoidable circumstances.

Provisos.

SEC. 4. *Be it further enacted*, That J. C. Prescott, R. W. G. M.; S. E. H. Dance, R. W. D. G. M.; J. L. H. Tomlin, R. W. G. W.; R. H. Barry, R. W. G. S.; Robert Thompson, R. W. G. T.; W. H. McCluskey, R. W. G. C.; M. M. Brien, Jr., R. W. G. M.; M. Franke, R. W.



G. C. ; George Sieferle, R. W. G. S. ; N. S. Davis, R. W. Corporators.

G. H., the present officers of the Grand Lodge of the State of Tennessee, of the Independent Order of Odd Fellows, and their regular successors in office, be and they are hereby created a body politic and corporate, by the name and style of the "Grand Lodge of the Independent Order of Odd Fellows, of the State of Tennessee;" and by that name are hereby invested with power and authority to acquire, hold, possess, use, occupy and enjoy, real and personal estate; and to sell and convey, or otherwise dispose of the same, under the Powers and constitution, by-laws, rules and regulations of said Grand privileges. Lodge; *Provided*, such constitution, by-laws, rules and regulations, be not contrary to the Constitution of the United States, or the Constitution or Laws of the State of Tennessee; and said corporation by its name aforesaid, shall be competent to contract and be contracted with; power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts or places whatever; to have and use a common seal, and the same to alter at their pleasure.

SEC. 5. *Be it further enacted*, That whenever said Grand Lodge shall establish or charter a subordinate Subordinate Lodge, the said subordinate Lodge is hereby invested with Lodges. the separate right to acquire and hold real and personal property, and with all the rights and privileges, and with the same guards and restrictions of said Grand Lodge.

SEC. 6. *Be it further enacted*, That whenever the authority establishing a subordinate Lodge shall be withdrawn, or its charter surrendered, or the separate existence Charters Sur- of said Lodge be destroyed by any cause whatever, the rendered. charter, seal, working books, jewels, emblems, regalias, Secretary and Treasurer's Books and Lodge Furniture, or other personal property, shall be delivered and transferred into the hands of the Grand Master, or such Deputy or Agent as he or the Grand Lodge may authorize to receive the same; and the same shall be held subject to the order of the Grand Lodge. All real property of said defunct Lodge shall be placed in the hands of a Trustee appointed by the Grand Lodge, or in the interim of the sessions of said Grand Lodge, by the Grand Master, to pay Furniture, etc the debts and liabilities of said subordinate Lodge; and any residue that may remain thereafter shall be held by said Trustee for the support, and maintenance of indigent orphans of deceased members of said subordinate Lodge, the same to be paid out according to the rules prescribed by the constitution of said subordinate Lodge; *provided*,

that the benefit of this Act shall extend to the Lodges already established, as well as to those that may hereafter be established.

Repealed.

SEC. 7. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Renfro.

SEC. 8. *Be it further enacted*, That An Act entitled "An Act to authorize L. M. and J. M. Renfro to construct and build a Turnpike Road in Cumberland County, and for other purposes," be amended by striking out in the 15th line from the bottom of the page of the printed Act, section 54 of the printed Act, the word "fourteen" miles from, and inserting the word "two;" and also, whenever twenty days notice by advertisement is required, the same be changed to ten days.

Carter County  
Turnpike  
Road.

SEC. 9. *Be it further enacted*, That Granville Stout, John Hardin Jones and their associates be and they are hereby declared a body politic and corporate, with power to sue and be sued, and to plead and be impleaded; may make and use a common seal and alter the same at pleasure, for the purpose of building a Turnpike Road, from the main stage road, at or near the residence of A. T. Bunch in Carter County; thence by way of Granville Stout's, to the main road at or near the residence of James Hilliard, in the County aforesaid, and shall be a body corporate for ninety-nine years.

Capital Stock,  
etc.

SEC. 10. *Be it further enacted*, That said company may open books of subscription on or before the first day of January, 1870, to consist of shares of \$25 each, which may be paid in labor or money; and when the sum of twenty-five shares are subscribed may proceed to build and make said road, and shall have five years to complete the same; and as soon as said road is complete the company shall erect toll-gates, and charge the same rates as are allowed corporations of similar character.

Wills Hill  
Turnpike Co.

SEC. 11. *Be it further enacted*, That Section 39 of An Act passed March 16, 1869, entitled "An Act to incorporate the Fayette and Wills Hill Turnpike Company of Lincoln County, and for other purposes," be so amended as to include the name of J. K. Miller and Wm. Shell, and that the name of John H. Smith, C. C. Wilcox, James G. Smith, John H. Humphreys and James Wilson, shall be stricken out.

SEC. 12. *Be it further enacted*, That section 41 of the

aforsaid Act be so amended as to insert "four" instead of "three" years, and that section 42 of said Act is hereby repealed.

SEC. 13. *Be it further enacted*, That no Toll-gate shall be erected nearer than one and one-half mile of the corporate limits of Nashville, on the Buena Vista Turnpike Road. Toll-gate.

SEC. 14. *Be it further enacted*, That the charter of the Nashville and Middle Franklin Turnpike Road Company, be so amended that the northern terminus of the road be fixed at the south-west corner of the old Lunatic Asylum Lot, between which point and the city of Nashville, the said company shall not be bound to keep the road in repair; and in case the corporate limits of the City of Nashville should be extended beyond said point, then the terminus shall be at the corporate line thus extended; *Provided*, that no Toll-gate shall be established, or kept nearer than one and one-half miles of said corporate line as it now or hereafter may be located; and *provided*, if it should be necessary to remove the gate further than the ones now standing on other portions of the road shall not be disturbed. Nashville and Middle Franklin Turnpike Co.

SEC. 15. *Be it further enacted*, That M. J. Dolin, M. A. Considine, Mike J. McKee, G. W. Johnson, P. S. Munday, John Joyce, John King, John Mulloy, James Sally, J. M. Flannagan, James Gilgan, G. M. O'Brien, M. J. Martin, D. Coughlin, Daniel Considine, Christopher Power, Miles Furman and John Norman, and their associates and successors, be and are hereby constituted a body corporate under the name and style of the "Hibernian Society of Nashville." Hibernian Society of Nashville.

SEC. 16. *Be it further enacted*, That said Society, by the name and style as set forth above, shall have succession for ninety-nine years, with authority to adopt such constitution and by-laws as may be deemed proper for its government, and shall be capable of suing and being sued, pleading and being impleaded; of having a common seal, with power to change, break or alter the same at pleasure; to acquire and hold estate, real, personal or mixed; with power to buy, sell, exchange, mortgage or otherwise encumber the the same at pleasure. Powers and privileges.

SEC. 17. *Be it further enacted*, That the objects of this Society shall be to promote union, friendship, harmony and confidence among the Irishmen and their friends of Nashville, and to promote their own welfare. Objects.

Jonesboro,  
Fall Branch,  
etc., Turnpike  
Company.

SEC. 18. *Be it further enacted*, That Thomas H. Reeves, A. R. Maulton, J. H. Crouch, R. M. Tappen, Spencer Ball and Jacob Hamilton, and their associates, successors and assignees, be and they are hereby incorporated a body politic, by the name and style of the "Jonesboro, Fall Branch and Blair's Gap Turnpike Company," with all the rights, powers and privileges of the Jonesboro and Reedy Creek Turnpike Company, for the purpose of constructing a Turnpike and MacAdamized Road, from Jonesboro *via*. Fall Branch to Blair's Gap, on Holston River, with succession for ninety-nine years—five years to complete the same; and they may compromise with the Jonesboro and Reedy Creek Turnpike Company, relative to the location of their Road, which compromise when made and recorded in the Register's office of Washington County, shall be authority for said company to proceed and locate their road according to their original charter, any amendment to the same to the contrary notwithstanding.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate.*

Passed December 13, 1869.

## CHAPTER XXVIII.

AN ACT for the Relief of Carter M. Bales, late Revenue Collector for Hawkins County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Carter M. Bales, late Revenue Collector for Hawkins County, be allowed to the first day of August, 1870, to collect and pay over the State revenue now charged to him as a collecting officer.

SEC. 2. *Be it further enacted*, That the Attorney-general for the First Judicial Circuit, shall suspend further prosecution on the official bond of said Carter M. Bales and his securities, for the time given him in this Act, to collect and pay over the revenues yet due; *Provided*, the securities of said Bales assent to such extension of time, and suspension of suit.

Attorney-  
gen'l to sus-  
pend suit.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed December 15, 1869.

## CHAPTER XXIX.

AN ACT to Repeal Sections 9 and 10, of An Act to Incorporate Ward's Seminary, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 9 and 10, of An Act to incorporate Ward's Seminary, and for other purposes, incorporating J. H. Harper's Male and Female Institute, at Jackson, Tennessee, and exempting it from taxation, be and is hereby repealed.

SEC. 2. *Be it further enacted*, That R. H. Munford, S. C. Slaughter, Geo. C. Howard, R. J. Sanford, John G. Hall, W. H. Wooten, C. B. Hall, W. H. Hill, Jno. J. Sherrod, J. T. Douglas, S. J. Bradshair, J. B. Bledsoe, C. B. Simenton, J. H. Cummings, R. S. Barret, J. R. McCall, Sam'l R. Shelton, A. A. Montgomery, H. M. Twinage, Sr., and their associates and successors, be and they are hereby constituted a body politic and corporate, under the name and style of the "Tipton County Industrial and Mechanical Association;" and by that name and style shall have succession for ninety-nine (99) years, with full power to buy and hold, to sell and convey real and personal property; to make and execute conveyances; to contract and be contracted with, to sue and be sued, plead and be impleaded; to have a common seal and alter, change and destroy the same at pleasure; and to have and enjoy all powers and privileges incident to such bodies, and consistent with the Constitution of the United States and of the State of Tennessee.

Tipton Co.,  
Industrial  
and Mech.  
Association.

Powers, etc.

SEC. 3. *Be it further enacted*, That the capital stock of said association shall be five thousand dollars,

Capital Stock.

with the privilege of increasing the same to twenty-five thousand dollars, to be divided into shares of ten dollars each; and when the sum of five hundred dollars shall have been subscribed, the stockholders may elect their officers.

Election of  
Directors.

SEC. 4. *Be it further enacted*, That the stockholders in said association, or as many as may be present in person, or by proxy, after giving fifteen days' notice, by posted hand bills, at five or more of the most public places in Tipton County, of the time and place—which shall be in the Town of Covington, on the first Monday in May, annually—shall elect a board of directors, nine in number, who shall manage and control affairs of said Association.

By-Laws, etc.

SEC. 5. *Be it further enacted*, That the stockholders of said association shall, at the first annual meeting for the election of a Board of Directors, as provided in section 4, proceed to adopt such constitution and by-laws for the government and direction of the officers of said association, as may be necessary to carry out the objects of said association.

Officers, etc.

SEC. 6. *Be it further enacted*, That the Board of said association shall annually elect a President, two Vice Presidents, a Secretary and Treasurer, and that the domicile of said association shall be at or adjacent to the town of Covington, where its business shall be conducted.

Powers.

SEC. 7. *Be it further enacted*, That said association shall, in addition to the powers granted in section two, also have power to appoint judges, committees and subordinate officers, make awards of premiums, establish a speed ring for stock, expel a member for gross violation of rules, eject any person from the grounds or buildings for misconduct, charge and collect gate and entrance fees; and generally do every act and thing necessary and proper to carry out the provisions of this Act.

Tenn. Central  
Fair Association.

SEC. 8. *Be it further enacted*, That the charter of the Tennessee Central Fair Association, (formerly Rutherford County Agricultural and Mechanical Association,) be so amended as to prohibit the sale or giving away spiritous or malt liquors,—spiritous or malt liquors, to mean, whisky, brandy, rum, gin, beer, ale or any other drink that will intoxicate—within one mile of said Tennessee Central Fair Association, during the continuance of any Fair or other public gathering at said Fair Grounds.

Penalty.

SEC. 9. *Be it further enacted*, That any person or persons violating this Act shall be fined in the sum of not

less than fifty or over two hundred dollars for each offense, and imprisonment thirty days in the county jail.

SEC. 10. *Be it further enacted*, That George W. Grader, W. B. Wiggs, E. Parkman, C. Richards and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, with succession for ninety-nine years, under the name and style of the "Grader Cotton Gin and Manufacturing Company," for the purpose of manufacturing, vending and operating cotton gins and machines for linting and re-linting cotton seeds and motes; and also of manufacturing any and all articles from the products thereof, and vending the same; with full power and authority to acquire hold and convey such property, real and personal; and to do and perform such acts as may be necessary or convenient in furtherance of said purposes; and in said corporate name, they may contract and be contracted with, sue and be sued, plead and be impleaded; they may adopt and use a common seal, changeable at the pleasure of the company; and shall have and enjoy all the privileges and rights incident to corporations.

Grader, etc.,  
Manf'g Com-  
pany.

Powers, etc.

SEC. 11. *Be it further enacted*, That the capital stock of said company shall be one million dollars, to be divided into shares of five hundred dollars each; and the same may be subscribed and paid in patent rights or other property necessary to the business and purposes of the company. Said shares shall be considered personal property, and shall be transferable; but to entitle the assignee or holder to vote or receive dividends, the transfer must be entered in the books of the company. Stockholders shall only be individually liable to the company or its creditors, for the amount remaining unpaid upon their stock, according to the terms of subscription.

Capital Stock.

SEC. 12. *Be it further enacted*, That there shall be a Board of five Directors, to be elected by the stockholders whenever one half of the capital stock has been subscribed, and annually thereafter at such time as may be fixed in the by-laws, all of whom shall hold their offices for one year and until their successors are elected; but any vacancy in said board during the year for which it has been elected, shall be filled by the board. At all meetings each stockholder shall be entitled to one vote for each share owned by him, and may vote either in person or by written proxy.

Directors,  
elections, etc.

SEC. 13. *Be it further enacted*, That the Board of Directors shall organize by the election of one of their number as President; and a majority of the board shall

Organization.

Dividends,  
etc.

constitute a quorum for the transaction of business. Said board shall elect or provide for the appointment of such officers and agents as may be necessary; they shall enact by-laws for the government of the company, and do all things necessary to carry out the objects of its creation, not inconsistent with this Act or the laws of the land. They shall declare dividends from time to time, out of the profits of the company; but should any dividend be declared and paid without reserving sufficient assets to pay all debts then contracted, each director voting thereon shall be individually liable to the creditors of the company for any loss occasioned thereby. Said board shall also cause to be kept proper books, showing the financial condition and business operations of the company, which shall at all times be subject to the inspection of the stockholders, and of which an exhibition shall be made at each annual meeting.

Bank of Wil-  
son.

SEC. 14. *Be it further enacted*, That D. Cooke, Jr., B. J. Larver, Jno. S. Owen, John Palmer and T. J. Stratton, their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Bank of Wilson," for the period of twenty years; and by that name may sue and be sued, plead and be impleaded.

Powers and  
privileges.

SEC. 15. *Be it further enacted*, That said Bank of Wilson shall have power to buy, sell and deal in gold and silver coin, public and private securities, and any description of negotiable paper; buy and sell exchange, current and uncurrent bank bills and money; borrow and loan money and currency; discount notes and other evidences of debt; receive and keep deposits, and pay interest on the same not to exceed the rate established by law in this State, or without interest, if so agreed by the parties.

Real estate

SEC. 16. *Be it further enacted*, That said bank shall have power to have and hold real estate for its business office, to exchange and sell the same; and to receive in payment of debts due and owing to it, any and all description of real and personal property; to take mortgages and trust deeds upon real and personal property of any and all descriptions; to receive debts owing to it, or loans made by it.

Capital Stock

SEC. 17. *Be it further enacted*, That the capital stock of said Bank shall not exceed twenty thousand dollars (\$20,000) in shares of twenty-five dollars (\$25.00) each; and the incorporators herein named are authorized to receive subscriptions to the capital stock in such manner as they may see fit.



SEC. 18. *Be it further enacted*, That power is hereby vested in the incorporators of said bank, to create and fill **Officers.** such offices as may to them seem fit; and to employ such agents and servants as they may deem necessary.

SEC. 19. *Be it further enacted*, That the aforesaid bank charter shall be subject to such taxes as the General As- **Taxes.** sembly has or may impose on similar institutions in this State.

SEC. 20. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 17, 1869.

## CHAPTER XXX.

AN ACT to Incorporate the Memphis Wood and Willow Ware Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. Holstead, Dr. W. D. Tucker, John W. Smith, William S. Moon, B. B. Hucheson, Mont Pepper, and Robert Fletcher, their associates, successors and assigns, are hereby created and constituted a body corporate and politic, under the name and style of the "Memphis Wood and Willow Ware Manufacturing **Privileges.** Company," and shall have succession for ninety-nine years; by said name may contract and be contracted with, sue and be sued, plead and be impleaded in any court of law or equity; may adopt and use a common seal, changeable at the pleasure of the company; and have and enjoy all the privileges and rights incident to corporations.

SEC. 2. *Be it further enacted*, That said company may acquire and hold by purchase, lease or rent, any real **Powers.** or personal property, necessary, proper or convenient to carry on the business, or any part thereof; may sell, convey, exchange, lease or rent the same, or any part thereof, any time or times, during the continuance of this charter.

SEC. 3. *Be it further enacted*, That the purpose, business and objects of said company, are, to procure and pre-

Purpose, ob-  
jects, etc.

pare all material, implements, machinery and tools necessary, proper or convenient, for the purpose of manufacturing all and every kind of wood and willow ware, such as cooperage of every description, material for building the wood work of wagons, buggies, carriages, ax-handles, hoe-handles, for making brooms; to manufacture in any way and by any power, all such articles or any of them; to use barter, sell or exchange the same at their place of business in Memphis, Tennessee, or elsewhere; and said company is hereby fully empowered and authorized to do and perform all such acts; and to erect buildings, and to do any and all things which are necessary or convenient, in, about or concerning such business, purpose and object; and said company may make or have executed to them, mortgages or deeds of trust on real or personal property, or both, when necessary or prudent in their business, or in order to secure debts due or to become due by or to said corporation.

By-laws.

SEC. 4. *Be it further enacted*, That said company may ordain and establish from time to time, alter or amend such by-laws, rules and regulations for the government of their affairs, as the company may deem proper, and which shall not contravene this charter and the laws of the land.

Books, organ-  
ization, etc.

SEC. 5. *Be it further enacted*, That any three of said corporators may open books for subscription of stock in said company, at such time and place as they may choose; *provided*, that no stockholder shall be allowed to take a less amount than two hundred dollars. When the sum of ten thousand dollars has been subscribed, then said company shall proceed to organize and elect a Directory, consisting of five members, aside from the officers; said Directors shall then elect, out of their own number, or from among the stockholders, a President, Secretary and Treasurer, to serve until the next annual meeting of the stockholders, and until their successors are qualified and inducted into office. The annual meetings of the stockholders shall take place at such times and places as they may direct in their by-laws, after the organization, at which time the elections are to take place. The stockholders may empower the Directory to change the rules and regulations, if so desired. The Directory may dismiss any officer or agent of said company from such position, for malfeasance, misfeasance or non-feasance in office; and may require bond and security in such sums as they deem proper, from any officer or agent, conditioned for the faithful performance of all duties enjoined on such officer or agent by the by-laws, rules and regulations of

Bond, etc.

company. At the annual election, a majority of the votes cast in person or by written proxy, shall govern in Elections.  
elections and all other matters; in case of any vacancy in any office or agency, the Directory, or such part as remain in office, may fill such vacancy to the next annual meeting, for a shorter time, at their discretion.

SEC. 6. *Be it further enacted*, That each subscriber for stock in said company, shall be individually liable only for the amount by such person subscribed, and only until the amount so subscribed is paid in. The said company may increase its capital stock by additional subscriptions by admitting new members at any time, until the capital stock amounts to six hundred thousand dollars, but no more; each share in said company shall be ten dollars. Liability, etc.

SEC. 7. *Be it further enacted*, That the capital stock of said company shall be transferable on the books of the company, only when the share-holders shall not be indebted to the company, under such rules and regulations as the Board of Directors may adopt. Transfers.

SEC. 8. *Be it further enacted*, That C. W. Park, J. C. Deaderick, and their associates and successors be, and they are hereby incorporated under the name of the "Knoxville Wood and Willow Manufacturing Company," and as such, shall be entitled to have and enjoy all the rights, powers and privileges conferred by this Act. Knoxville Wood and Willow Ware Manuf'g Co.

SEC. 9. *Be it further enacted*, That E. M. Wright, J. W. James, F. F. Weihl, W. Crutchfield, their associates, successors and assigns, are hereby incorporated a body corporate and politic, under the name of the "Chattanooga Wood and Willow-ware Company," and to have all the rights, powers and privileges, and subject to the same liabilities and restrictions imposed upon the Memphis Wood and Willow-ware Company, by the terms of this Act. Chattanooga Wood and Willow Ware Manuf'g Co.

SEC. 10. *Be it further enacted*, That the corporate limits of the town of Lewisburg, be so extended on the east, as to include the residences of P. Fox, Sr., J. M. Ledbetter, Richard Warner, Jr., R. L. Adams, S. D. Ewing and J. J. Murray; on the west, S. D. Hardison, J. N. Waters and W. D. Fisher; and on the north, Albert Browly, Mrs. Ledbetter, Nancy Peyton, C. R. Darnell and James H. Lewis. Town of Lewisburg.

SEC. 11. *Be it further enacted*, That the Commissioner of Registration shall open and hold an election, after giving ten days' notice, for the offices of Mayor, Alder- Election.

men and Recorder, of the town of Lewisburg, on the second Saturday in January, 1870. Officers to be elected by the qualified voters in said incorporation; and the officers elected, after being sworn to discharge the duties of their office, shall hold their offices until their successors are elected in 1871, as provided for in the charter of the town.

Equitable  
Fire Ins. Co.

SEC. 12. *Be it further enacted,* That James M. Smith, Thomas O. Trainer, George C. Allen, Robert Thompson, Daniel H. Bailey, William W. Totten, Samuel Cowell, William A. Webb, and their associates, successors and assigns, be, and they are hereby, created a body politic and corporate, under the name and style of the "Equitable Fire Insurance Company, of Nashville, Tennessee," by that name shall have succession for ninety-nine years and enjoy all the rights, privileges and immunities which are necessary to accomplish the purpose of this Act, and be recognized in all the courts of justice and equity in the State.

Capital Stock

SEC. 13. *Be it further enacted,* That the capital stock of said corporation shall be one million dollars, and may be increased to not exceeding five million dollars, at the discretion of the Directors, and shall be divided into shares of one hundred dollars each, which shall be assignable and transferable only on the books of said corporation, under such regulations as the Directors may establish.

Organization,  
etc.

SEC. 14. *Be it further enacted,* That when the said parties and their associates, shall have subscribed one hundred thousand dollars, and shall have paid in twenty dollars on each share as a company fund, and organized by choosing twelve or more Directors, and those Directors have chosen one of their number President, and appointed a Secretary, it shall be deemed fully organized, and shall enjoy all the powers herein conferred.

Powers and  
privileges.

SEC. 15. *Be it further enacted,* That said corporation shall have full power and authority to take risks and make insurances on vessels, and all property laden on board thereof, upon houses and other buildings, and the furniture and goods therein, and upon all other legal subjects of insurance; and to do all other acts and things necessary and incident to the transaction of a fire and marine insurance business; and to invest its capital and its funds accumulated in the course of its business, or any part thereof, in bonds and mortgages on unencumbered real estate worth fifty per cent more than the sum loaned

mon, exclusive of buildings, unless such buildings are  
 ed, and the property transferred to said corporation;  
 also in the public stocks and bonds of the United  
 States or any one of the States; or the stocks, bonds or other  
 evidences of indebtedness, of any solvent, dividend-pay-  
 ing institution incorporated under the laws of the United  
 States, or any one of the States, except its own stock,  
 to loan the same, or any part thereof, on the  
 security of such stocks and bonds, or upon bonds and  
 mortgages as aforesaid, and to change and re-invest the  
 same as occasion may, from time to time, require; *pro-*  
*vided always,* that the current market value of such stocks, Proviso.  
 bonds, or other evidences of indebtedness, shall be at all  
 times during the continuance of said loans, worth at least  
 ten per cent. more than the sum loaned thereon.

SEC. 16. *Be it further enacted,* That it shall be law-  
 ful for said corporation to purchase and hold such real Real estate.  
 estate as may be necessary for the transaction of its busi-  
 ness, and to purchase real estate at any sale made in virtue  
 of any loan, debt or mortgage made to or held by said  
 corporation, and receive and take in satisfaction of any  
 such loan or debt, any real estate, and to hold and convey  
 the same.

SEC. 17. *Be it further enacted,* That the business of said  
 corporation shall be carried on in the city of Nashville Location.  
 or elsewhere, by agencies, as the Directors shall elect.

SEC. 18. *Be it further enacted,* That the real and per-  
 sonal property of each individual stockholder, shall be Liability.  
 liable for any and all losses and liabilities of the corpora-  
 tion, to the amount of the stock subscribed or held by him  
 and not actually paid in.

SEC. 19. *Be it further enacted,* That the stock and af-  
 fairs of said corporation shall be managed by twelve or  
 more Directors, who shall be stockholders of said corpora-  
 tion. They shall, after the first year, be elected annually on Elections of  
Directors.  
 the third Monday in January of each year, and shall  
 hold their offices until others shall be chosen to supply  
 their places. Ten days' notice shall be given of such elec-  
 tion to each stockholder, by public advertisement or per-  
 sonal notice, and shall be made by ballot by the majority  
 of the stock, allowing one vote for every share, either in  
 person or by proxy.

SEC. 20. *Be it further enacted,* That the Directors shall  
 choose by ballot, a President from their number, and shall Vacancies.  
 fill all vacancies that may arise in the Board or in the  
 Presidency thereof.

SEC. 21. *Be it further enacted,* That the Directors of

Powers of Directors.

said corporation shall have power to appoint a Secretary and any other officers or agents necessary for transacting the business of said corporation, paying such salaries and taking such securities as they may deem reasonable. They may ordain and establish by-laws and regulations not inconsistent with this Act, or with the Constitution and laws of this State and of the United States, as shall appear to them necessary for regulating and conducting the business of the corporation; and it shall be their duty to keep full and correct entries of their transactions, which shall at all times, be open to the inspection of the stockholders.

May sue, etc.

SEC. 22. *Be it further enacted*, That the said corporation, in its corporate name, may sue and sued, plead and be impleaded in all courts and places in this State and elsewhere; may adopt and use a common seal, and the same alter, break and renew at will.

SEC. 23. *Be it further enacted*, That this Act shall take effect on and from the day of its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed December 17, 1869.

## CHAPTER XXXI.

AN ACT to Amend the Charter of the Town of Gainsborough, and for other purposes.

Officers, elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act incorporating the town of Gainsborough, in the county of Jackson, passed July 20, 1820, be and the same is hereby amended as follows, to wit: Hereafter said corporate organization shall consist of one Mayor, one Recorder, one Constable, and a Board of five Aldermen, not less than three to constitute a quorum for business; all to be elected by the qualified voters as prescribed by said Act, on the first Saturday in January of each year, except the Recorder, who shall be elected by the Board of Aldermen, at their first meeting; all to serve for one year, commencing the Wednesday next succeeding

said election, and until their successors are elected and qualified.

SEC. 2. *Be it further enacted*, That no person shall be eligible to the office of Mayor or Alderman of said town, unless he be a freeholder and reside in said corporation; Vacancies. and in case a vacancy at any time occur in the office of Mayor, the Board of Aldermen shall order an election to fill said vacancy, to be held by the Town-constable; and in case of vacancy in any or either of the other offices, the Mayor shall hold or cause to be held, an election to fill said vacancy for the balance of the term.

SEC. 3. *Be it further enacted*, That within two days after said election, the officer holding it, shall give to each of the persons receiving the highest number of votes a certificate of election; and said Aldermen shall meet on the Certificates. Wednesday succeeding said election, in the court-house, in Gainsborough, and proceed to elect a Recorder; and the powers and duties of said corporate officers shall be the same as are prescribed in the original Act of incorporation.

SEC. 4. *Be it further enacted*, That the jurisdiction of the Mayor of said corporation shall be in cases of debt due said town, equal to that of Justices of the Peace, in Jurisdiction of Mayor. like cases; and the Circuit Court of Jackson County shall have jurisdiction of all cases mentioned in the original Act, as coming under the jurisdiction of the County Court.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

SEC. 6. *Be it further enacted*, That James Andrews, James H. Thomas, J. G. Anderson, W. J. Dale, David McLaw, A. J. Walker, Wesley Witherspoon, D. C. Helm, W. V. Thompson, A. Barr and W. B. Wilson, Mutual Relief Association of Tennessee. and their successors and assigns, be, and are hereby, declared a body politic and corporate, by the name and style of the "Mutual Relief Association, of Tennessee," and by that name and style may sue and be sued, plead and be impleaded, in all Courts of Record in this State or elsewhere; and have succession for ninety-nine years; to have, make and use a common seal, and the same to break, alter or amend at pleasure; to ordain and establish such by-laws, ordinances and regulations as they may think necessary, as to carry into effect this Act, or to promote the objects and design of this corporation; *provided*, that such by-laws, ordinances and regulations or Acts, be not inconsistent with the laws of this State or of the United States.

- Objects, etc.** SEC. 7. *Be it further enacted*, That the object and design of this Association is to mutually insure the lives of all the members, according to classification of paying at the death of a member, at the rate of one dollar per member, in the class to which he or she may belong.
- Classes, etc.** SEC. 8. *Be it further enacted*, That this Association may be divided into two or more classes, consisting of five thousand members each, and two or more consisting of two thousand members each.
- Organization.** SEC. 9. *Be it further enacted*, That this Association shall be organized by the persons named in the 6th section, electing from their number a Board of Directors, five or more; and also a President, Vice-President, Secretary and Treasurer; said officers and Board shall hold their offices for two years, and until their successors be elected; in case of vacancy from any cause, the Directors may elect others to fill said vacancy, until the annual meeting of the members of the association.
- How managed** SEC. 10. *Be it further enacted*, That the affairs of the Association be managed by the President, Secretary and Treasurer; they may appoint such clerks and other officers, as they may find necessary properly to conduct the business of the Association, and allow them suitable compensation; they shall have power, also, to appoint agents in any part of this State, or elsewhere, and take from said agents bonds with approved security, conditioned for the faithful performance of their duty; such agents being removable at the pleasure of the President and Secretary. The Board may allow to the President, Secretary and Treasurer, suitable or reasonable compensation for their services.
- Funds.** SEC. 11. *Be it further enacted*, That the funds of this Association, however derived, may be invested or loaned in any stock or real security, or used as the Board of Directors may determine at their annual meeting, as other corporate bodies, with full power to use their finances as may be right and lawful.
- Annual meeting.** SEC. 12. *Be it further enacted*, That the annual meeting of Directors shall be held in the city of Columbia, Tennessee, on the first Tuesday in January, and each year thereafter; all members of this association shall be entitled to vote, or absent members by *proxy*; said Directors to be elected by ballot.
- Membership.** SEC. 13. *Be it further enacted*, That all certificates of membership in this Association, and contracts made by the Association, signed by the President and countersigned by the Secretary, shall be obligatory on said Asso-



ciation, and have the same effect as if attested by corporate seal.

SEC. 14. *Be it further enacted*, That the charter of the **Masonic Mutual Relief Association**, of Tennessee, incorporated by the Act of December 10, 1868, be, and the same is hereby, so amended that the said Association shall be controlled by at least eleven Directors, the whole number of whom, for the year 1870, shall be such as the Association may deem proper; and for the year 1870, the Directors may be chosen at a special meeting of the Association, but thereafter, shall be chosen at each regular annual meeting of the same; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 17, 1869.

## CHAPTER XXXII.

AN ACT to Incorporate the Memphis Fire and Relief Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis Fire and Relief Association is hereby incorporated by the name aforesaid, **Powers and Privileges.** with the power to continue its organization; to establish and own a Library; to own a house and lot, for the transaction of the business of the Association; and with the power to sell and convey said property and re-invest the funds for the benefit of the said Association; with the further power to pass laws and by-laws for the government of the members, and to enforce the same, for the purpose of effecting the objects of its organization, and with power to use a common seal.

SEC. 2. *Be it further enacted*, That said Association shall consist of not more than two hundred members.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed December 18, 1869.

## CHAPTER XXXIII.

AN ACT to Amend An Act Chartering the Memphis City Schools,  
 passed January 27, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 12 of An Act, which this Act is intended to amend, be so amend as that when any member of the said Board of Education, shall move out of the limits of the ward from which he was elected, he shall thereby vacate his seat in said Board.

Taxation. SEC. 2. *Be it further enacted*, That Section 13 of said Act be so amended, as that lots of ground leased by said Board of Education for School purposes shall be exempt from taxation while so used; and that this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 JONATHAN MORRIS,  
*Speaker pro tem., of the Senate.*

Passed December 18, 1869.

## CHAPTER XXXIV.

AN ACT to Amend An Act entitled "An Act to Incorporate the Town of Harrison, in Hamilton County, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Section 13 of An Act entitled "An Act to incorporate the Town of Harrison, in Hamilton County, and for other purposes," be, and the same is hereby repealed. Sec. 13 repealed.

SEC. 2. *Be it further enacted, That* the said Act be amended so far as it relates to the Town of Decherd, is Franklin County, so as to read, "that all *bonafide* citizenenn of the age of twenty-one years of said town, be and they are hereby constituted qualified voters in all elections for officers for said town." Decherd.

SEC. 3. *Be it further enacted, That* the Board of Mayor and Aldermen elected after the passage of this Act, shall have power to prescribe the limits and boundaries of the said town; *Provided*, such limits and boundaries shall not extend beyond the limits now prescribed by law. Boundary line.

SEC. 4. *Be it further enacted, That* the regular time for election of town officers of said town, shall be on the third Saturday of November, in each year; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
JONATHAN MORRIS  
*Speaker pro tem., of the Senate.*

Passed December 18, 1869.

## CHAPTER XXXV.

AN ACT to Repeal An Act entitled "An Act Appointing a New Board of Trustees for Union Academy, located at Clinton, Tennessee, and to Prescribe their Duties."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* An Act passed the 12th day

of November, 1867, entitled "An Act to reorganize the Board of Trustees of Union Academy, Clinton, Tennessee, and prescribe their duties," be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the Act prior to the Act this is intended to repeal, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 6, 1870.

## CHAPTER XXXVI.

### AN ACT to Amend the Corporation Laws of Grand Junction.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed November 29, 1847, to incorporate the Town of Bolivar, in Hardeman County, Tennessee; and also An Act passed February 25, 1858, incorporating the Town of Delouch—now Grand Junction—in said county; and conferring all the powers, privileges and immunities conferred upon the Town of Bolivar, Hardeman County, of this State, upon the citizens of the Town of Delouch—now Grand Junction—in said county, be so amended so far as it relates to Delouch—now Grand Junction—commencing at eighth (8th) line of section four (4) of chapter twelve, (12,) passed November 29, 1847—so as to read as follows: "All persons living within the corporate limits of said town, and all persons owning or holding real estate therein, and otherwise entitled to vote for members of the General Assembly, and who have been residents of the county six months previous to the said municipal election, shall be entitled to vote therein."

SEC. 2. *Be it further enacted*, That all laws and parts

Qualification  
of voters.

of laws in conflict with this Act are hereby repealed; and that this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 7, 1870.

## CHAPTER XXXVII.

AN ACT to Incorporate the North Knoxville Market House Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph Richards, John E. Caldwell, P. F. Jenkins, J. G. Kinzel, J. M. Bishop, P. W. Lancy, D. A. Deaderick, and such other persons as may *Corporators.* be associated with them, and their successors in office, be, and they are hereby, constituted a body corporate and politic, by the name of the "North Knoxville Market House Company," and by that name shall have succession for thirty-three years; may have a common seal; sue and be sued, plead and be impleaded, in any court of law or equity.

SEC. 2. *Be it further enacted*, That said body corporate shall, and their successors in office, by the name aforesaid, shall be empowered and capable in law, to purchase, receive and hold, to themselves and their successors forever, any and all property, real and personal, which may be granted, given or devised to them, for the use of said body politic; and to use and dispose of the same in such manner as to them shall seem most advantageous to carry out the objects of said company. *Powers and privileges.*

SEC. 3. *Be it further enacted* That the persons constituting the said company, shall have the power to elect such *Officers, By-* officers as are necessary for the organization of the said Company, and the transaction of its business; and may make such by-laws, rules and regulations for the government thereof, not in violation of the laws of this State or of the United States, as they may deem needful or necessary. *laws, etc.*

**Bluff City Ins. Company.** SEC. 4. *Be it further enacted,* That An Act to incorporate the Bluff City Insurance Company, of Memphis, passed March 20, 1858, be, and the same is hereby, continued in full force and effect, for the term of years therein specified.

**Voting, etc.** SEC. 5. *Be it further enacted,* That section 6 of said Act be so amended, that in the election of Directors of said company, the stockholders shall be entitled to one vote for each and every share held by said stockholders; and that all laws in conflict herewith are hereby repealed.

**Preamble.** SEC. 6. *Whereas,* One of the chief ends for which man was created, was to advance the welfare of his fellow-beings; and, *Whereas,* It is incumbent upon the colored population of the City of Jackson, to devise and agree upon some plan by which the object can be more effectually carried out, and the wants and necessities of each relieved, as far as in our power; Therefore,

**Colored Benevolent Soc'y of Jackson.** *Be it enacted by the General Assembly of the State of Tennessee,* That Robert Campbell, George Bonds, Henry Knight, Bony Smith, Monroe Mitchell and Isaac Epperson and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of "The Colored Benevolent Society of Jackson, Tenn.," and by that name shall have succession for thirty-three years; and shall be competent to sue and be sued in any court of equity or law whatever; to have and use a common seal, and to alter the same at pleasure; to establish and change any by-laws for the government of said company; to purchase and sell real estate, together with any buildings necessary for the use of the Society, on the same.

**Officers, etc.** SEC. 7. *Be it further enacted,* That the officers shall consist of a President, Vice-President, Secretary and Treasurer.

**By-laws.** SEC. 8. *Be it further enacted,* That a committee of nine shall be elected or chosen, whose duty it shall be to investigate and decide upon all cases of misdemeanor or non-compliance with all the regulations hereby established, or that may hereafter be adopted.

**Nurses.** SEC. 9. *Be it further enacted,* That two of the male members of the Society shall be appointed as nurses, whose duty it shall be to attend to the sick, and who shall be compensated from the funds of the Society.

SEC. 10. *Be it further enacted,* That the committee of nine, provided for in section 8, will elect a Secretary, who shall preside at the meetings of the committee.

SEC. 11. *Be it further enacted*, That the President shall appoint an Assistant Treasurer of the Society, who will discharge the duties of the Treasurer, in the absence of the latter. Ass't Treas'r.

SEC. 12. *Be it further enacted*, That the President failing to discharge the duties, and not being present at every meeting, shall be fined two dollars for the first offense, and for the second, four dollars, and for the third, expulsion from office: *Provided*, a valid excuse is not given. This section applies equally to the Vice-President, Secretary and Treasurer. Fines of officers, etc.

SEC. 13. *Be it further enacted*, That any officer or member, who shall be guilty of violating anything herein set forth, shall be fined, for the first offense, fifty cents; for the second offense, one dollar, and for the third offense, expulsion.

SEC. 14. *Be it further enacted*, That the President shall appoint a suitable number of persons to visit the sick, and report their condition, and see that they are provided with nurses and medical attention. When any person dies, the members of this Society are pledged (if in their power) to attend the funeral, and to wear a badge of mourning thereat. Sick Com'tee.

SEC. 15. *Be it further enacted*, That in case of the death of any male member, who leaves a family, we are obliged to administer to his family as long as his wife remains a widow. Death.

SEC. 16. *Be it further enacted*, That the regular meetings of this Society shall be on Tuesday of each week, and that each meeting be opened with prayer.

SEC. 17. *Be it further enacted*, That the officers of this Society shall be elected, and the committee appointed every twelve months; and those whose terms shall have expired, will make a full report of their transactions to their successors in office. Elections.

SEC. 18. *Be it further enacted*, That the President shall appoint from time to time, two members to deliver addresses at every public meeting.

SEC. 19. *Be it further enacted*, That any member found drunk in the Society, or otherwise acting in an indecent and disreputable manner, if the President, shall be fined twenty-five dollars, any officer shall be fined five dollars for each offense, any member of the committee three dollars, and any private member two dollars for each offense. In the case of any officer or member of a committee, if said charges are sustained, they will be suspended or relieved from office as the Society may determine. Drunkenness.

**Monthly dues** SEC. 20. *Be it further enacted,* That the monthly dues shall be established by the Society; any members absent without sufficient excuse, from the meetings of the Society, shall be fined double the amount of the dues for one month.

SEC. 21. *Be it further enacted,* That if any member fails to pay his monthly dues, he shall not be entitled to the benefits of the Society, and if not paid for one year he shall be suspended.

**Funds, etc.** SEC. 22. *Be it further enacted,* That the funds belonging to this Society, shall be paid to the Treasurer, who shall be charged for the same by the Secretary. The Treasurer may expend the money of this Society only as he is ordered to do so by the Society. He shall keep a book, charging himself with all moneys that may come to his hands, and crediting himself with such sums of money as he may expend for the Society, on its order, taking in all cases, receipts for the same, and render an account to the Society, at the last meeting before his term of office expire, of all moneys in his hands belonging to the Society; and shall pay over to his successor in office said sums of money.

**Penalty.** SEC. 23. *Be it further enacted,* That any failure to comply with section 22, by the Secretary and Treasurer, shall be a misdemeanor in office, and the penalty shall be expulsion, from this Society; and such fine not to exceed twenty-five dollars, nor less than five dollars, at the discretion of the Society.

SEC. 24. *Be it further enacted,* That said Society are pledged for the decent interment of all colored paupers who may die in the City of Jackson, without expense to the City or County.

SEC. 25. *Be it further enacted,* That said Society shall not use fife or drum at their regular meetings, and shall not make any parade on the streets of Jackson, except on funeral occasions, or by permission of the Municipal authorities.

**Cumberland and Ohio Railroad Co** SEC. 26. *Whereas,* The Legislature of the State of Kentucky, on the 24th day of February, 1869, chartered and incorporated a Railroad Company, called the Cumberland and Ohio Railroad Company, the object of which is the construction of a Railroad from the Ohio River through the Counties of Henry, Shelby, Taylor, Greene, Barren and Allen, in the State of Kentucky, to a point on the boundary line between the States of Tennessee and Kentucky, about due north from the town of Murfrees-



boro, in Tennessee; (which point is south or south-west from Scottville, in Allen County, Kentucky,) with a view of connecting with the Southern system of railways, converging at Nashville, in Tennessee; and said company having procured the subscription of a large amount of stock in said company for the construction of a railroad to said point mentioned and indicated in said charter; now for the purpose of carrying out said enterprise in the State of Tennessee, and to form the connection aforesaid:

SEC. 27. *Be it further enacted*, That the powers and privileges of said Cumberland and Ohio Railroad, as granted by the State of Kentucky, be granted and extended from the point aforesaid on the boundary line aforesaid, to the town of Gallatin, in Sumner County, in the State of Tennessee; and from thence to the City of Nashville, in said State; and said Cumberland and Ohio Company, for the purpose of building and constructing said railroad, shall have and are hereby granted all the powers, rights and privileges, conferred upon and granted to the Louisville and Nashville Railroad Company, by its charter as originally granted and amended by the Legislature of the State of Tennessee, fully and entirely, as if the provisions of said charter were repealed in this Act, except State aid, which is not granted. Powers and Privileges.

SEC. 28. *Be it further enacted*, That J. S. Carr, Green B. Harris, George T. Brown, James M. Davis, J. A. Nimmo, James M. Bryson, Dr. James M. Head, J. C. Rodemer, A. G. Branham, J. R. A. Tomkins, Colonel J. J. Turner, W. T. Munday and T. O. Harris, be and they are hereby appointed Commissioners to receive subscription to the capital stock of said Cumberland and Ohio Company; and they may cause books to be opened for the purpose of receiving subscriptions as aforesaid, at such times and places as they may see proper. But subscriptions tendered and made at other times and places to said capital stock, shall be valid and binding for all purposes whatever. Commissioners.  
Subscriptions.

SEC. 29. *Be it further enacted*, That said Cumberland and Ohio Railroad Company, shall have power to unite their said road with any other railroad or railroads, and to acquire an interest in such other railroad, to enable them more fully to make and establish connection with the systems of railroads converging at Nashville, as aforesaid; and they may use and apply all the powers and privileges herein and hereby granted for said purposes. May unite with other roads.

SEC. 30. *Be it further enacted*, That each county and incorporated town through which the said road may be

located in the State of Tennessee, may take stock in the same as provided by the Code of the State of Tennessee.

**Town of Yorkville.** SEC. 31. *Be it further enacted*, That the inhabitants of the Town of Yorkville, in Gibson County, Tennessee, be and they are hereby constituted a body corporate and politic, with all the rights and privileges granted by the foregoing Act to incorporate the inhabitants of the Town of Maynardsville, and other purposes; and the boundaries of the town of Yorkville shall be as follows: Beginning at the north-east corner of the lot known as the Montgomery Lot, and running south to within eighty feet of the Dyersburg Road and Trenton Road; thence east to a point opposite the east side of the residence of J. H. Wyats; thence south to a point opposite the south boundary of a lot known as the Waggoner Lot; thence west to a point opposite the west side of the residence of Mrs. Sallie Underwood; thence north to the Dyersburg and Trenton Road; thence north-east to the beginning.

**Boundary.**

W. O'N PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 10, 1870.

## CHAPTER XXXVIII.

AN ACT to Amend the Charter of the Tennessee State Mutual Fire Insurance Company.

**Joint Stock.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Tennessee State Mutual Fire Insurance Company, passed February 11th, 1867, be so amended that it may become a joint stock as well as a Mutual Insurance Company.

**Books for Subscription.** SEC. 2. *Be it further enacted*, That P. A. Browner, M. Keating, L. J. DuPre, James M. Morgan, John Wilkerson, on such day as any three of them may appoint, may open books for subscription to the capital stock of said company, by giving ten days' notice of the time and place for the making of such subscription, in some newspaper published in the City of Memphis, Tennessee.

SEC. 3. *Be it further enacted*, That when the sum of one hundred thousand dollars is subscribed in shares of one hundred dollars each, the said company may be organized by the stockholders, by the election of a President, Directors and other needful officers. Organisation.

SEC. 4. *Be it further enacted*, That the President and Directors of the corporation hereby created, shall exercise all the rights, powers, privileges and immunities, heretofore granted to the Tennessee State Mutual Fire Insurance Company; and may loan to any person, whether a shareholder or not, any money it may hold, belonging to itself or others. The corporation hereby created, shall be restricted to such rates of interest charges as are now, or may be hereafter established by law. Powers and privileges.

SEC. 5. *Be it further enacted*, That the corporation hereby created shall be distinguished from the Tennessee State Mutual Fire Insurance Company, by the omission of the word "Mutual" in its designation; and no one stockholder shall own or represent more than twenty thousand shares of stock. Name.

SEC. 8. *Be it further enacted*, That the capital stock of the corporation shall not exceed a half a million dollars, the same to be paid up in instalments of ten per cent, by subscription thereto, as may be required by the Board of Directors. Capital stock.

SEC. 7. *Be it further enacted*, That the right is hereby reserved to alter or amend said charter whenever the public good may require it.

SEC. 8. *Be it further enacted*, That T. H. Reeves, S. J. Kirkpatrick, their associates and successors, are hereby incorporated a body corporate and politic by the name and style of the "East Tennessee Mutual Life and Fire Insurance Company," with all the rights, powers and privileges of the company named in this Act; and shall have succession for ninety-nine years. E. Tenn. Mut. Life and Fire Ins. Co.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 11, 1870.

## CHAPTER XXXIX.

## AN ACT to incorporate the Memphis Furniture Manufacturing Company.

Purposes, etc. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Edward Fegan, Samuel H. Coward, J. M. Harding, Henry Murphy, William K. Thirton and their associates, be, and they are hereby declare a body corporate by the name of the "Memphis Furniture Manufacturing Company," for the purpose of manufacturing Furniture, and constructing all fabrics out of wood, iron, cloth, or other material, and of vending, selling and transporting the same; and in their corporate name may sue and be sued; have and use a private seal and brand or trade mark, and alter the same at pleasure; lease or purchase and hold real estate for their purposes, and sell and convey the same by deed.

Capital stock. SEC. 2. *Be it further enacted*, That the capital stock of said company shall be twenty thousand dollars in shares of one hundred dollars each; but the capital of said company may be increased by order of the Board of Directors, to three hundred thousand dollars; and when twenty thousand dollars, or more, is subscribed, the incorporators named in the first section may call the stockholders together, who may elect a Board of Directors; said Board of Directors shall be elected by the vote of the majority of the stock, each share of stock being entitled to one vote; and the said Board of Directors may elect one of their number as President of the company, and also a Secretary and Treasurer, and such other officers and agents as they may deem necessary for the prosecution of business; and said Board of Directors, with all other officers of the company, shall hold their offices until their successors shall be elected; said Board of Directors shall be stockholders in said company; and no liabilities shall attach to the stockholders respectively, for a greater amount than the stock subscribed by each; and all liability shall cease when the amount subscribed has been paid in; the election of Directors shall be held once each year, but a failure to hold said election shall not dissolve this company.

Powers of Directors, etc.

SEC. 3. *Be it further enacted*, That this company shall have existence for thirty-three years, and be exempt Taxes, etc. from taxation, except such taxes as are imposed on other similar manufacturing companies of this State.

SEC. 4. *Be it further enacted*, That Charles Sunquest, Dudley Baldwin, Benjamin Pierce, W. R. Simley, John Edmondson and T. J. Carlile, their associates, successors and assigns, be, and they are hereby, incorporated a body politic and corporate, by the name and style of the "Chattanooga Furniture Company," to be situated in the city of Chattanooga, Tennessee, with all the rights, powers, privileges and immunities, and subject to all the liabilities granted by this Act to the Furniture Manufacturing Company of Memphis. Chatta. Furniture Co.

SEC. 3. *Be it further enacted*, That Samuel T. Atkin, George Atkin, and their associates and successors, be and they are hereby incorporated, under the name of the "Knoxville Furniture Manufacturing Company," and as such, shall be entitled to have and enjoy all the rights, powers and privileges conferred by this Act on the Furniture Manufacturing Company of Memphis, and subject to like restrictions; and that this Act take effect from and after its passage. Knoxville Furniture Man'g Co.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 11, 1870.

## CHAPTER XL.

AN ACT to Incorporate the Shelby Cotton Factory, of Shelby County, Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That John B. Robinson, John Johnson, D. T. Porter, William Joyner, W. W. Bott, C. B. Church, W. R. Moore, Nathan Adams, F. S. Davis, J. Halstead, their associates and assigns, be, and they are hereby, created and constituted a body corporate and politic, to be known by the name and style of the "Shelby Cotton Factory," and by that name shall have succession for ninety-nine years; shall be competent to sue and be sued, in courts of law and equity whatsoever, in this State; to have and use a common seal, to alter and change the same at pleasure; to establish and change any by-laws for the government of said company; to purchase, hold, dispose of such real estate, leasehold, water privilege, steam power, machinery, patent right and personal property, as may be necessary for the legitimate operations of their business; to issue such number of shares in the stock of said company as may be ordered by a vote of the company; to determine the par value of said shares; to have the right to assign or pay in shares of the stock of the company for such real estate or interest therein, or pay the same for leasehold, real estate, or for patent right, or interest therein, for such machinery as may be deemed necessary to purchase or lease for the operation of the works and business of said company; and generally to have and exercise all the rights and privileges incident to corporations; said company is hereby further granted the privilege of converting and applying any of its capital from the main branch of manufactory, hereinbefore specified, to any division of the same, or any other class of manufacture, with all the privileges and immunities granted and guaranteed to the said Cotton Factory, without forfeiting, surrendering, releasing or impairing the said powers, privileges and immunities, if deemed advisable by a vote of said company.

Corporators.

Powers and  
privileges.

**SEC. 2.** *Be it further enacted,* That whenever said company shall have subscribed the sum of twenty-five thousand dollars capital stock, either in cash or real estate, machinery or other materials for manufacturing purposes

Organization,  
etc.

aforesaid, in the first section of this Act, they may organize for the transaction of business, by the election of a President and such other officers as they may deem necessary for the transaction of the business of said company; each share shall be entitled to one vote.

SEC. 3. *Be it further enacted*, That said Shelby Cotton Factory, may increase their capital stock from time to time, as they may deem necessary to carry on their business to an amount not to exceed two hundred and fifty thousand dollars. Capital stock.

SEC. 4. *Be it further enacted*, That P. D. Sims, John W. James, S. H. Corey, That Brew and W. B. Gaw, be Tenn. River and they are hereby incorporated a body politic and corporate, by the name and style of the "Tennessee River Cotton Factory," to be situated in the City of Chattanooga, Tennessee, with all the rights, powers, privileges and immunities, and subject to all the liabilities and restrictions as are granted by this Act to the Shelby Cotton Factory of Shelby County. Cotton Factory.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 11, 1870.

## CHAPTER XLI.

AN ACT to Incorporate the "Crispin Leather and Shoe Manufacturing Company," of Shelby County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. S. Bruce, William M. Farrington, C. B. Moore, W. B. Greenlaw, N. R. Sledge, John B. Robinson, Newton Ford, A. Woodruff, Michael Magion, Sr., J. C. Neely, George W. Mirsh, John Gunn and Nathan Adams, their associates and assigns, be and they are hereby created and constituted a body corporate and politic, to be known by the name and style of the "Crispin Leather and Shoe Manufacturing Company," and by that name shall have succession for ninety-nine years; Corporators.

Powers and  
privileges,  
etc.

shall be competent to sue and be sued in all courts of law and equity in this State; to have and use a common seal, to alter or change the same at pleasure; to establish and change any by-laws for the government of said company; to purchase, hold and dispose of such real estate, leasehold, water privilege, steam power and machinery, patent right and personal property, as may be necessary for the legitimate operations of their business; to issue such numbers of shares in the stock of said company, as may be ordered by vote of the company, to determine the par value of said shares; to have the right to assign or pay in shares of the stock of the company, for such real estate or interest therein, or pay in the same, or leasehold real estate, or for patent right or interest therein, for such machinery as may be deemed necessary to purchase or lease for the operation of the works and business of said company; and generally to have and exercise all the rights and privileges incident to corporations. Said company is hereby further granted the privilege of converting and applying any of its capital from the main branch of manufactory hereinbefore specified, to any division of the same, or any other class of manufacture, with all the privileges and immunities granted and guaranteed to the said Shoe and Leather Manufacturing Company, without forfeiting, surrendering, releasing or impairing the said powers, privileges and immunities, if deemed advisable by a vote of said company.

Organization. SEC. 2. *Be it further enacted*, That, whenever said company shall have subscribed the sum of twenty thousand dollars capital stock, either in cash or real estate, machinery or other materials for manufacturing purposes—as aforesaid in section 1st of this Act—they may organize for the transaction of business, by electing a President and such other officers as they may deem necessary for the transaction of the business of said company. Each share shall be entitled to one vote.

Capital Stock. SEC. 3. *Be it further enacted*, That said Leather and Shoe Manufacturing Company may increase their capital stock from time to time, as they may deem necessary to carry on their business, to an amount not to exceed two hundred and fifty thousand dollars.

Lookout Shoe and Leather Man'g Co. SEC. 4. *Be it further enacted*, That John L. Divine, F. G. Montague, D. C. Carr, T. J. Lattner, their associates, successors and assigns, be and they are hereby incorporated a body politic and corporate, by the name and style of the "Lookout Shoe and Leather Manufac-



turing Company, of Chattanooga, Tennessee," with all the rights, powers, privileges and immunities, and subject to all liabilities and restrictions as are granted and imposed by this Act, upon the Crispin Leather and Shoe Manufacturing Company of Shelby County.

Sec. 5. *Be it further enacted*, That Thomas O'Connor, James O'Connor, O. J. K. Peed, and their associates and successors, be and they are hereby incorporated under the name of the "Knoxville Saddle and Harness Company;" and as such shall be entitled to have and enjoy all the rights, powers and privileges conferred by this Act upon the Memphis Shoe and Leather Company; and that this Act take effect from and after its passage.

Knoxville  
Saddle and  
Harness Co.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 11, 1870.

## CHAPTER XLII.

AN ACT to Incorporate the Panola Oil and Fertilizer Company, of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. R. Christain, W. B. Miller, J. B. Cole, Amos Woodruff, Thomas. R. Smith and J. J. Murphy, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the "Panola Oil and Fertilizer Company of Memphis," for the purpose of Manufacturing Oil, Fertilizers and Soap; and by that name shall have succession for twenty-five years, sue and be sued, plead and be impleaded, and generally to do every act and thing necessary to carry out the provisions of this Act, and promote the objects and designs of this corporation.

Purposes and  
powers.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and when four hundred shares have been subscribed, and the sum of

Capital stock.

thirty thousand dollars paid thereon, the stockholders may meet and elect their Directors, and said Directors shall elect one of their number President, during their term of office.

How managed.

SEC. 3. *Be it further enacted*, That the affairs of said company shall be managed by a Board of Directors to be elected annually, consisting of not less than three, and such agents and officers as they shall appoint. A Secretary and President shall be elected annually by the Directors, and all vacancies happening in any of said offices, may be filled by the Board for the remainder of the year for which they were elected. The Board shall have power to declare by by-laws, the time and place for holding the annual election, and generally to adopt that course they may think best calculated to advance the interests of the company.

Dividends.

SEC. 4. *Be it further enacted*, That the Directors of said company shall, on the first Monday in September, in each and every year, declare and divide so much of the profits of said company, as to them shall appear advisable, first deducting all losses and expenses, and pay the said dividend to respective stockholders, or to the agents duly empowered to receive them. But if any loss shall happen, whereby the capital stock of the company shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to said capital stock; and if the Directors shall knowingly make a dividend or dividends contrary to the true intent and meaning of the prohibition herein contained, such of them as shall consent thereto, shall, in their individual capacity, be accountable for and pay over to said company for the use thereof, as much money as they may so divide and pay no more than by this Act they are authorized to do. And each Director in office at the time of making such dividend hereby prohibited, shall be deemed as consenting thereto, unless absent from the meeting of the Board of Directors, or if present, shall immediately enter his or their protest or protests on the minutes of the Board.

Liability.

Voting, etc.

SEC. 5. *Be it further enacted*, That, in the election of Directors of said company, each stockholder shall be entitled to one vote for each share he holds, and absent stockholders may be represented by proxy; and no transfer of stock in this company shall be considered final until regularly entered on the books of the company.

Liability for debts.

SEC. 6. *Be it further enacted*, That should the said company at any time fail to meet its engagements each person holding stock at the time of such failure, shall be

individually liable for the debts of the company, to the amount of the balance unpaid on the stock of such stockholder, but no further.

SEC. 7. *Be it further enacted*, That the business of the company shall be carried on at such place in the city of Memphis, Tennessee, as the Directors may designate, and such agencies out of Memphis as they may establish. Location.

SEC. 8. *Be it further enacted*, That, on the first of each month, the company shall cause to be made out a balance sheet, showing the condition of its affairs, and submit the same to the inspection of the Board of Directors.

SEC. 9. *Be it further enacted*, That the necessary machinery for the business of said company, or other materials required, including cotton seed, may be accepted at their cash value, from subscribers to the capital stock of said company.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 13, 1870.

## CHAPTER XLIII.

AN ACT to Authorize the Extension and Construction of the Cincinnati Southern Railway within the State of Tennessee.

WHEREAS, It is represented to this General Assembly, that Miles Greenwood, Richard M. Bishop, William Hooper, Philip Heidelberg and Edward A. Ferguson, of the City of Cincinnati, in the State of Ohio, were appointed under and by virtue of An Act of the General Assembly of the State of Ohio, passed on the 4th day of May, in the year eighteen hundred and sixty-nine, a Board of Trustees, with authority to borrow a fund not to exceed the sum of ten millions of dollars, and to issue bonds therefor in the name of the City of Cincinnati, under the corporate seal thereof, of which said fund the said Miles Greenwood, Richard M. Bishop, William Preamble.

**Preamble.** Hooper, Philip Heidelberg and Edward A. Ferguson and their successors, are to be trustees, with power to expend the same in procuring the right to construct and in constructing a single or double track railway, with all the usual appendages, including a line of telegraph between the said City of Cincinnati and the City of Chattanooga, in the State of Tennessee, to be called and known as the "Cincinnati Southern Railway;" and with power and capacity for the purposes aforesaid, to make contracts, appoint, employ and pay officers and agents; and to acquire, hold and possess all the necessary, real and personal property, and franchises, either in the said State of Ohio or in any other State into which the said line of railway may extend, and with other powers in said Act expressed; and,

**Same.** WHEREAS, The said line of railway cannot be constructed, nor the powers of the said Board of Trustees be exercised within the State of Tennessee, without the consent of the General Assembly thereof; Therefore,

**Trustees, powers of, etc.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said Board of Trustees, namely: Miles Greenwood, Richard M. Bishop, William Hooper, Philip Heidelberg and Edward A. Ferguson, and their successors, by the name of the "Trustees of the Cincinnati Southern Railway," be and they are hereby authorized to extend, construct and maintain, within the State of Tennessee, the said line of railway, with a single or double track, with all the usual appendages, including a line of telegraph; and to exercise the powers vested in them under and by virtue of said Act of the General Assembly of the State of Ohio, subject to the provisions and restrictions in this Act provided

**May enter upon lands.** SEC. 2. *Be it further enacted,* For the purpose of examining and surveying routes for the said line of railway, the said Trustees may, subject to the provisions of section 1345 of the Code, enter upon any land in the counties of Claiborne, Campbell, Union, Knox, Anderson, Blount, Roane, Monroe, McMinn, Meigs, Bradley, Hamilton, Rhea, Cumberland, Morgan, Scott, Fentress, Overton, Putnam, White, Van Buren, Bledsoe, Sequatchie, Marion, Grundy, Warren, DeKalb and Jackson, and select from the routes so examined and surveyed, a route for the same, commencing at a point within the City of Chattanooga, to be selected by said Trustees; and running through either of said counties to the northern boundary line of this State, so as to connect with the same line of railway in the commonwealth of Kentucky. A copy of the survey and location of such route, and any alteration therein, shall be

**'n furnish copy.**

filed in the Register's office of the counties through which the said railway runs, within one year after such location or alteration.

**SEC. 3.** *Be it further enacted,* For the purpose of constructing and maintaining said line of railway and its appendages, the said Trustees may:

1st, Acquire by purchase of gift, and hold, any lands in the vicinity of or through which the route selected by them may pass. General powers and privileges.

2nd, Occupy or use any turnpike road, street or other public way or ground, or any part thereof, upon such terms and conditions as may be agreed upon between said Trustees and the municipal or other corporation, persons or public authorities, owning or having charge thereof; and in case it shall be necessary to provide a new road, street or other ground in place of that so used or occupied, to acquire the necessary land and cause the necessary improvements to be made thereon. May take property.

3rd, If the lands the said Trustees may deem necessary or convenient, cannot be acquired as aforesaid, or if no agreement can be made for the right to use or occupy any road, street or ground, that may be necessary, the said Trustees may take and appropriate the said lands or rights in the manner provided in the Code for taking private property for works of internal improvement; and the court may fix such terms and conditions in the case of roads, streets and public grounds, as may be deemed best for the public interest; *Provided*, That no appropriation for the right of way shall be of a greater width than two hundred feet; and, *provided further*, that the rights of the land owners shall not be divested until the said Trustees shall fully satisfy the judgments recovered in their favor, or amounts, or terms agreed upon for said right of way. As provided in the Code.

**SEC. 4.** *Be it further enacted,* If, during the construction or after the completion of said line of railway, it shall be found necessary by said Trustees to change the location or grades, or to substitute other works or conveniences for those originally designed or constructed, or to provide additional side tracks or other appendages for the proper management and operation of said railway, the said Trustees may make such changes and provide such additional appendages, not departing from the general route originally selected by them; and for the purposes aforesaid, may acquire or enter upon, take and appropriate, such lands or rights as may be necessary in the mode hereinbefore prescribed. May change location.

Rights of  
way, etc.

SEC. 5. *Be it further enacted*, Whenever, along the route selected by said Trustees, there shall be a railroad already constructed, or rights of way, or depot or other grounds acquired therefor, which railroad, rights of way, or grounds, can be adopted as part of the said line, it shall be lawful for the persons, company or corporation owning the same, to sell to the said Trustees the said railroad, rights of way, or grounds, or any part thereof, upon such terms and conditions as may be agreed upon between the said Trustees and such persons, or the President and Directors of such company or corporation; *Provided*, that the statutory lien which the State may have on said road, thus sold and transferred, shall not in any way, be impaired by said sale; *Provided, further*, that no such agreement shall be binding on the stockholders of any such company or corporation, unless a majority in interest of such stockholders, as shown by the books of such company or corporation, shall ratify the same in person or by proxy, at a meeting to be held at the place of holding the election of Directors, to be called after notice given of the object of the meeting, in the manner provided for notice of such elections.

Provisos.

SEC. 6. *Be it further enacted*, No permanent bridge or other work shall be so constructed as to materially interrupt or impair the navigation of such streams as are naturally navigable, or as have been declared to be so by law.

May issue  
bonds.

SEC. 7. *Be it further enacted*, and, WHEREAS, Under and by virtue of the above-mentioned Act of the General Assembly of the State of Ohio, the said Board of Trustees have power to borrow a fund for the construction of the said line of railway, not to exceed ten million of dollars, and issue bonds therefor in the name of the City of Cincinnati, under the corporate seal thereof, bearing interest at a rate not to exceed seven and three-tenths per centum per annum, payable at such times and places, and in such sums as shall be deemed best by said Board—which bonds are to be signed by the President of said Board and attested by the City Auditor of said city, who is to keep a register of the same; and are to be secured by a mortgage on the said line of railway, and its net income, and by the pledge of the faith of said city, and a tax, which it is made the duty by said Act, of the Council of said city annually to levy sufficient with said net income, to pay the interest and provide a sinking fund for the final redemption of said bonds; *Be it further enacted*, That the respective holders of all such bonds are hereby declared to be entitled to hold, by way of mortgage, without any conveyance, the said line of railway and its

Mortgage  
lien, etc.

appendages and the net income thereof, and all the estate, right, title and interest of the said City of Cincinnati, and of the said Board of Trustees therein, until the respective sums mentioned in said bonds and the interest thereon shall be fully paid without any preference—one above another—by reason of priority of date of any such bonds, or of the time when such holder became the holder of the same, or otherwise, howsoever. The mortgage lien hereby given is to vest as soon as rights of way or lands whereon are to be placed the works and conveniences used in constructing, maintaining or operating said railway, are required or taken by virtue of the powers of said Trustees; *When to vest. Counties, etc.,*  
*Provided*, that nothing herein contained shall effect the lien of any vendor upon the land sold to said Trustees.

SEC. 8. *Be it further enacted*, In order to aid in the construction of said line of railway, it shall be lawful for any county through which, or any incorporated town or city through or contiguous to which it is proposed to run the same, to donate such sum or subscribe for such an amount of said bonds on such terms as may be agreed upon between said Trustees and the County Court or corporate authorities of such town or city; and it shall be the duty of the County Court or corporate authorities, after the said donation or subscription is voted for as herein provided, to levy a tax upon the taxable property, privileges and persons liable by law to taxation within the county or corporation limits, sufficient to meet the instalments of the donation or subscription, as made, and the costs and expenses of the collection, which tax shall be levied and collected like other taxes. *May take stock.*

SEC. 9. *Be it further enacted*, The amount of such donation or subscription shall not exceed five per cent. of the taxable property of such county, town, or city; and no tax shall be levied for the same, unless a majority of the legal voters of the county, town, or city, as the case may be, estimating the vote by the last preceding Governor's election, shall be in favor of the said donation or subscription, at an election to be held by the officers authorized by law to hold elections, in the usual way in which popular elections are held, after the same shall have been advertised at least thirty days beforehand by notices posted up at the different places of voting, specifying the time when it is to be held, for what road, the amount and terms of the proposed donation or subscription, and when payable; that publication of said election be made in the newspaper having the largest circulation in the county. *Elections to take stock.*

SEC. 10. *Be it further enacted*, Said Trustees shall sur-

**When to complete road** vey and locate the route of said line of railway, and actually commence the construction thereof, within two years from the passage of this Act; and shall continue such construction, and complete the work within five years therefrom, or within such further reasonable period, not exceeding ten years in all, as the Governor may grant upon satisfactory evidence that they are progressing with due diligence and in good faith. The gauge of said railway shall be five feet.

**Rates of charges.** SEC. 11. *Be it further enacted,* The charge for transportation on said railway shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement for every hundred miles, and five cents a mile for every passenger.

**Taxes.** SEC. 12. *Be it further enacted,* The taxes imposed on said line of railway and its appendages shall not exceed the rate imposed on other railroads within this State.

**Office, legal process, etc.** SEC. 13. *Be it further enacted,* The said Trustees may sue and be sued, contract and take and hold property, and convey and transfer the same, by the name of the Trustees of the Cincinnati Southern Railway. They shall keep an office in the City of Chattanooga, and service of process may be made on them in the mode provided for service of process on individuals having an office or agency in any county other than that in which the principal resides; and can sue and be sued in any county through which the said road may pass; and service may be had upon any depot agent of the same. The time for commencing actions against them shall be the same as that for commencing actions against railroad companies in like cases. Conveyances by said Trustees shall be signed by not less than three of them.

**Meanings of words, etc.** SEC. 14. *Be it further enacted,* The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the context repugnant to such construction, that is to say; The word "lands" shall include, not only lands and every estate and interest therein, but also easements and franchises connected therewith. The word "Trustees" shall mean, the Trustees for the time being, appointed under the said Act of the General Assembly of the State of Ohio, and shall include the said Board of Trustees and their successors. The word "Code," shall mean the Code of Tennessee. The expression, "lien" of railway and its appendages, shall extend to and include the works and conveniences of the said railway, such as offices, stations, shops, sheds, depots, car-houses and other buildings,

**Lands, Trustees, Code, lien, etc.**



bridges, viaducts, tunnels, arches, piers, abutments, embankments, approaches, ways, aqueducts, culverts, sewers, drains, wharves, yards, fences, telegraph posts and wires, tracks, turnouts, and turn-tables, and the rights of way and lands belonging to said Trustees, whereon the said and other like works and conveniences used in constructing, maintaining or operating said railway, are placed. The expression, "Act of the General Assembly of the State of Ohio, shall mean, the Act of the General Assembly of the State of Ohio, entitled, "An Act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants," passed on the fourth day of May, in the year eighteen hundred and sixty-nine. The expression, "line of railway," shall mean the line of railway between the City of Cincinnati, in the State of Ohio, and the City of Chattanooga, in the State of Tennessee.

SEC. 15. *Be it further enacted*, That nothing in this Act shall be so construed as to entitle the said railroad to State aid under the general internal improvements laws of this State. State aid

SEC. 16. *Be it further enacted*, That no discrimination shall be made against the citizens of Tennessee in the carrying of freight and passengers upon said railroad, or any part thereof; and the Legislature reserves the right to enforce this provision by all necessary legislation. Discrimination.

SEC. 17. *Be it further enacted*, That the State of Tennessee shall have the same Legislative control in this railroad interest or charter that the State holds in other railroads in the State of Tennessee.

SEC. 18. *Be it further enacted*, That the rights, privileges and immunities granted by this Act, shall continue for and during the period of ninety-nine years, and not longer, and shall, during that time, be subject to be declared forfeited by any court of competent jurisdiction, upon bill filed on the relation of any citizen of Tennessee on behalf of the State, for any failure on the part of said Trustees, their successors or assigns, to comply with the terms, stipulations and obligations imposed herein, for the benefit and security of the State of Tennessee, or the people thereof; and that a right of action for the redress of any injury caused by, or for any claim or demand against said trustees or railway, shall exist in this State in any Court or judicial tribunal having jurisdiction thereof, against said Trustees or railway; and process may be served upon any depot agent of such Trustees or railway, residing in this State, in the absence of the President or head of- Forfeiture of charter.  
Right of action, &c.

ficer of said Trustees or railway, and the judgment rendered against the Trustees of said Cincinnati Railway, or by whatever name it transacts its business; and the property, real and personal, belonging to such Trustees or railway within this State, shall be enforced, and be liable for the satisfaction of said judgment; the existence of any mortgage on said railway and appendages as provided for in this Act, to the contrary notwithstanding; and before entering on any lands of this State, said Trustees shall accept the provisions of this Act.

SEC. 19. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 20, 1870.

## CHAPTER XLIV.

AN ACT to Incorporate the Memphis and Tennessee Navigation Co.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William S. Pollard, and such others as he may associate with him, be, and are hereby, incorporated a body corporate; shall be named and known by the name of the "Memphis and Tennessee Navigation Company;" sue and be sued, plead and be impleaded, in all and any of the courts of the State. Said company shall have the right to have and use a common seal, and to alter and change the same at pleasure; and to make all such by-laws and rules for their government as may seem necessary, so that the same shall not be inconsistent with the Constitution of the United States, or the Constitution and laws of this State; and they shall have power to hold and enjoy real and personal property, not to exceed in value the sum of five hundred thousand dollars.

Powers and  
privileges.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, in shares of one hundred dollars each. Fifty thousand

Capital stock.

dollars of which stock shall be taken and subscribed before said company can organize; and said company may, at any time, increase their capital stock not to exceed five hundred thousand dollars.

SEC. 3. *Be it further enacted*, That said company shall have power, as soon as stock to the amount of fifty thousand dollars shall have been subscribed, to organize, by the selection of a President and such other officers as they may deem necessary; and they may establish their office or place of business at such point as they may select. Organization.

SEC. 4. *Be it further enacted*, That it shall be the main business and object of said company, to run a regular line of steamers on the Mississippi River, between the City of Memphis, Tennessee, and the head of navigation on the Tennessee River; but they are authorized and empowered to run steamboats and other vessels for the transportation of freight and persons over any and all the rivers and waters of the State of Tennessee; *provided*, they shall not conflict with the vested rights of other persons. Business and object.

SEC. 5. *Be it further enacted*, That the said company shall have power, and are hereby authorized, to build or construct, or cause to be built and constructed, as many steamboats and other vessels, or purchase the same, as may be necessary for carrying on and for the successful prosecution of their business. Vessels.

SEC. 6. *Be it further enacted*, That each stockholder shall be registered in a book of the company, kept for that purpose, and can only be transferred by the transfer on the books of the company; and each stockholder shall be liable for all the debts of the company, out of his, her or their private property, to the full amount of his, her or their stock, but no further. Transfer of stock, etc.

SEC. 7. *Be it further enacted*, That the charter hereby granted shall be and remain in full force for and during the period of fifty years; and shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 24th, 1870.

## CHAPTER XLV.

AN ACT for the Relief of the Citizens of Claiborne County, for other purposes.

SECTION 1. *Be enacted by the General Assembly of State of Tennessee,* That the citizens of Claiborne County have the same rights and privileges of passing the gate at Thorn Hill, free of charge, that the citizens Grainger County now have.

Richland Turnpike Co. SEC. 2. *Be it further enacted,* That the Directors the Richland Turnpike Company be authorized to remove the first gate on their turnpike, to any point they may select, beyond Cookrell's Spring, from Nashville, with the rights and privileges granted in the charter of incorporation.

Grand Junction. SEC. 3. *Be it further enacted,* That section 102, chapter 47, of An Act passed February 15, 1869, be, and the same is hereby repealed; and that hereafter, the town Ashland, in Hardeman County, shall be known and designated by the name of Grand Junction, as heretofore.

Jonesboro, Fall Br. and Blair's Gap Turnpike Co. SEC. 4. *Be it further enacted,* That the charter of the Jonesboro, Fall Branch and Blair's Gap Turnpike Company be, and the same is hereby so amended, as to give said company the further time of five years, in which to complete their road; and they are hereby entitled to have receive and exercise the same benefits, rights, powers and privileges granted the New Market, Mouth of Buffalo and Rutledge Turnpike Company, in section one; and the Rogersville and Little War Gap Turnpike Company, in section six, of An Act passed December 18, 1868; and the Bristol and Kendrick's Creek Turnpike Company, in section twelve of An Act passed March 4, 1868, and without the subscription, as in said section required.

Fentress. SEC. 5. *Be it further enacted,* That the citizens of Fentress County be exempt from paying toll on the James town and Crossville Turnpike road in said County of Fentress.

Sec. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate.*

passed January 24, 1870.

## CHAPTER XLVI.

ACT to Incorporate the Rough and Ready Iron Works, in Stewart County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That David Theobald, A. Guckenhauer, S. Werthumer, E. Werthumer, Isaac Werthumer, Julius Adler and Leopold Pappenheimer, their associates and successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of "The Rough and Ready Iron Works," and by that name to sue and be sued, have a common seal, and all the powers, immunities and privileges of a corporation, for the term of twenty-five years. Corporators.

Sec. 2. *Be it further enacted*, That the capital stock of said corporation shall not be less than twenty-five thousand dollars, but may be increased from time to time, the sum not exceeding two hundred and fifty thousand dollars, divided into shares of one hundred dollars each. Capital Stock

Sec. 3. *Be it further enacted*, That said corporation may acquire and hold by purchase, lease or rent, any real personal property; may, from time to time, as may be for the convenience or interest of the corporation, sell, mortgage or convey the same; and may receive real estate payment for subscription of stock, or in payment of its debts. Property.

Sec. 4. *Be it further enacted*, That said corporation is authorized for the purpose of manufacturing iron in the County of Stewart, and elsewhere; and may erect or buy furnaces, mills and other houses or machinery; and may borrow money, and do all things necessary or expedient for the successful prosecution of its business. Purposes.

By-laws, etc. SEC. 5. *Be it further enacted*, That the corporators of Rough and Ready Iron Works, may adopt their government, by-laws, rules and regulations, and alter the same from time to time, to suit their convenience and shall have such number of officers, agents and employes, as they may judge most to the interest of the corporation.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed January 24, 1870.

## CHAPTER XLVII.

AN ACT Incorporating the Baptist Education Society of Tennessee,  
Passed February 27th, 1869, and for other purposes.

Corporators. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That H. G. Scovel, J. J. Martin, A. B. Shankland, Josephus Shackelford, D. H. Selph, J. M. Phillips, M. C. Jordan, Joseph E. Carter, J. M. D. Cates, W. G. Inman, E. Strode, A. Vanhooze, A. J. Brandon, J. Gunn, J. C. Vincent *et al.*, be, and the same are hereby, constituted a body politic and corporate, by the name and style of "The Tennessee Baptist Education Society."

Powers and privileges. SEC. 2. *Be it further enacted*, That said society shall be able in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and also shall be able in law to take by purchase, gift, grant, devise, or in any other manner not contrary to the law of the land, and to hold and control, any real and personal estate thus acquired, for educational purposes; also, shall have power to collect and receive any and all funds that have been in any way contributed or pledged to said society for educational purposes; also, to bargain, sell, convey, or in any other way, dispose of any part or all of said real and personal estate,

as to them shall seem best for the accomplishment of the purposes for which the corporation has been created.

SEC. 3. *Be it further enacted*, That said Tennessee Baptist Education Society shall have existence for ninety-nine years; and shall meet annually, at such times as may be provided in the by-laws of the same; and that any person contributing to said society the sum of one hundred dollars, shall be a life-member of the same; or any church contributing the sum of one hundred dollars, shall have the right of being represented by one of her own members in said society; and said members shall have the right of voting on all questions affecting the interests of said society. Contributions  
etc.

SEC. 4. *Be it further enacted*, That at the first annual meeting of said society, the Secretary shall furnish the President with a correct list of all the members of said society; whereupon, said society shall proceed, by ballot, to elect, of the life-members hereinbefore provided for, fifteen Trustees, five of whom shall go out of office annually, taking them as enrolled consecutively, and the society shall fill the vacancies thus created, for a term of three years; and said society shall, at each annual meeting, fill all vacancies which may have occurred in said Board of Trustees, from death, resignation or otherwise. Organization,  
etc.

SEC. 5. *Be it further enacted*, That said board of Trustees shall be competent to organize and establish, under the direction and control of said society, a College or Institution of learning, or enter into arrangements with the Trustees of some already existing institution; and the action by which said institution is thus placed under the control and patronage of said society, shall become a part of this charter; and any pledges made to said institution, or means, personal or real estate, controlled by the same for educational purposes, shall accrue to said educational society, to be applied to the same support of said Institution, in accordance with the purposes for which said pledges were made. Institution of  
learning.

SEC. 6. *Be it further enacted*, That said society shall have full power and authority to enact all by-laws and ordinances which may seem necessary for regulating the conduct of its members, and carrying into effect the designs of the organization; *Provided*, said by-laws and ordinances are not inconsistent with the laws of this State. By-Laws, etc.

SEC. 7. *Be it further enacted*, That the officers of said society shall be a President, four Vice-Presidents, a Secretary and Treasurer, who shall be elected by ballot, and shall hold their offices at the will of the society. Officers.

SEC. 8. *Be it further enacted,* That all Acts and parts of Acts conflicting with this Act, are hereby repealed.

Pandora De-  
bating Society

SEC. 9. *Be it further enacted,* That J. B. Sanders, J. R. Rankin, John Sanders, M. L. Rucker and William Jones, and others, their associates, and successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Pandora Debating Society of Rutherford County, in District No. 22," and by that name and style shall have succession for fifty years; with power to contract and be contracted with; to sue and be sued; have a common seal; to make and establish rules and regulations and by-laws for the government of said society.

Shelbyville &  
Tulla. Turnp.  
Company.

SEC. 10. *Be it further enacted,* That the fourteenth section of An Act to charter the Shelbyville and Tullahoma Turnpike Company, and for other purposes, passed February 11th, 1869, be so amended as to allow the Lick Creek, Fall Branch and Horse Creek Railroad Company, to commence said railroad at any point on the East Tennessee and Virginia Railroad, between Greeneville and the Rogersville Junction, running by the way of Romeo, thence the most practicable route to its terminus.

Memphis City  
Fire and Gen.  
Ins. Company

SEC. 11. *Be it further enacted,* That William N. Wilkerson, D. C. Trader, L. V. Dixon, A. Vaccaso, Henry J. Lynn, W. H. Moore, M. D. L. Stewart, J. W. Knoot, and such other persons as may hereafter associate with them, be, and they are hereby, created a body politic and corporate, by the name and style of the "Memphis City Fire and General Insurance Company," and shall continue and have succession unto them, their assigns and associates, for the term of fifty years after their due organization, as hereinafter provided for; and make such rules and by-laws as they please, not inconsistent with the laws of this State; may have and use a common seal, with power to alter the same at pleasure; and may, by their corporate name, sue and be sued, in any court of law or equity in this State, or elsewhere, as a natural person might or could.

Powers and  
privileges.

SEC. 12. *Be it further enacted,* That the said Corporation shall be capable in law of purchasing, holding and conveying any and all kinds of estate, real, personal or mixed; and of receiving in trust from any person, moneys, jewels, plate or other valuable thing, and of giving their



acknowledgment therefor in such form as the Directory of said corporation may deem best suited to the protection and convenience of the depositor and the company; and the said corporation shall hereby be authorized to loan their surplus funds on any public stock of any incorporated company, or of the United States, or either of them, or to invest them in any real or personal estate, or choses in action, or other good securities.

SEC. 13. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same at the pleasure of the company, to one million of dollars, which stock shall be divided into shares of one hundred dollars each; but no subscription to said stock shall be valid until ten per cent. thereof is paid into the corporation, but said corporation may commence their business whenever the sum of fifty thousand dollars has been subscribed to the capital stock. The stockholders shall be entitled to one vote for each share of stock held by them in any stockholders' convention, to be sent either in person or by proxy. Capital Stock,  
etc.

SEC. 14. *Be it further enacted*, That said corporation shall, on the first Monday in December, in each year, hold a convention of the stockholders, who shall then in addition to the general business of said company, elect from their number, seven Directors and a President, Vice-President and Cashier, who need not be stockholders; who shall manage and control the business of the corporation, subject to the by-laws which shall be adopted for the government of the company by the stockholders; and the said President, Vice-President and Cashier, shall, before entering upon the discharge of their duties, enter into such bond with security as may be prescribed by the by-laws, for the faithful discharge of their several duties; and the said stockholders may hold meetings at any other time upon the call of three or more stockholders, after giving ten days' notice thereof in a public newspaper published in the City of Memphis, and they may at such meetings transact any business that might have been done or omitted at any regular meeting; *Provided always*, that a majority of all the stockholders, counting by number of shares, shall be represented at such meeting. Stockholders'  
Convention,  
etc.

SEC. 15. *Be it further enacted*, That the President, or in his absence the Vice-President with the Cashier, shall have full power and authority to make any assurance upon any fire, marine or river risks, or risks upon any freights, moneys, goods, wares, merchandise or other valuable thing, or upon live stock, life, or health, and to fix the Called meet-  
ings. Insurance.

**CITY OF NASHVILLE.**

**SEC. 23.** *Be it further enacted,* WHEREAS, the City of Nashville is at present burdened with a floating debt greatly larger than can be liquidated out of the annual revenues of the city, even at a high rate of taxation for several years; *and whereas,* suits are now pending in the courts of the country, brought by and against the corporate authorities of said city in corporate capacity, to ascertain the amount of the just indebtedness of said corporation; *and whereas,* it is desirable that said city be enabled to liquidate its indebtedness without unduly oppressing its inhabitants; Therefore,

**MAY ISSUE BONDS.**

*Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and City Council, of Nashville, in their corporate capacity, be, and they are hereby, authorized to issue coupon bonds of said corporation, signed by the Mayor and countersigned by the Recorder of said city, to an amount not exceeding five hundred thousand dollars. The bonds herein provided for, may be executed of denominations from one hundred dollars to one thousand dollars, at the discretion of said Mayor and City Council, and to mature at such times as may be fixed by the said Mayor and City Council, from one to thirty years after date, and bearing interest at the rate of six per centum, payable semi-annually.

**MORTGAGE, TAX ETC.**

**SEC. 24.** *Be it further enacted,* That the said Mayor and City Council of Nashville, be, and are hereby authorized and empowered to mortgage the Water-works and the public grounds and buildings of the Fire Department of said city, to secure the payment of said bonds at maturity; and each year, the City Council shall levy a special tax on the property of the city subject to taxation, to pay the interest on the funded debt of said city, as provided in the fifth section of An Act passed May 24, 1866, entitled "An Act to change the name of the corporation of Nashville, and authorize the issue of the bonds of the City of Nashville, and for other purposes."

**PAR VALUE.**

**SEC. 25.** *Be it further enacted,* That the said Mayor and City Council shall be authorized to issue such coupon bonds as are provided for in this Act, only to the holders of *bona fide* floating claims against the city, at par, in the liquidation of such claims and accrued interest thereon, and to such others as are willing to take them at par. In no case, shall said Mayor and City Council, or any person acting as their agent for that purpose, sell, under their par value, any of the bonds authorized herein.

**SEC. 26.** *Be it further enacted,* That W. S. Maxwell,

John A. Jones, J. W. Shouse, H. Clagett, O. A. Nixon, E. Cantrell, Wm. H. Grigsby, G. W. Glanfield and H. W. Jones, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Hickman County Agricultural and Mechanical Association," for the purpose of promoting improvements in the various departments of Agriculture, the promotion of the mechanic arts in all their various branches, the improvement of the race of all useful and domestic animals, the general advancement of rural economy and household manufactures, and the dissemination of useful knowledge upon those subjects. That the corporation hereby created, be entitled to all the rights and privileges conferred upon the Tennessee Agricultural and Mechanical Association, by An Act passed February 23d, 1869, and subject to all the pains and penalties imposed.

Hickman Co.  
Agri. & Mech.  
Association.

SEC. 27. *Be it further enacted*, That Joseph Whitaker, A. J. Whitaker, T. D. Hill, H. F. Dusenberry, W. W. James, Cullin Baily, Newton Whitaker, W. Y. Nix, T. J. Sebastian, F. R. Moon, Sion M. Canger, Yates & Son, James McNeece, P. A. Roby, R. W. Blackwell, G. R. Winford, James C. Clark, J. T. Casson, E. P. Solomon, G. W. Jones, H. B. Morgan, T. J. Neece, J. G. Harrison, J. N. Blackwell, W. F. Moore, J. A. D. Middleton, L. B. Gill, J. H. C. Duff, G. F. Renegor, Andrew Cashion, J. C. Brion, N. C. Luttrell, B. F. Winford, Charles Blackwell, Thomas Whitaker, A. Derror, Woodruff Parkes, J. L. Dusenberry, R. D. C. McMillan, Martha Kimbrough, Bradley Kimbrough, H. H. Cooper, Morgan Cannaway, W. H. Robertson, W. C. Solomon, W. K. Shofner, Henry White, G. F. Hogue, C. O. Wilbur, Jas. Casheon, J. M. Sebastian, J. D. Campbell and T. J. Allison, be, and they are hereby constituted a body politic and corporate, under the name and style of the "Mulberry Educational Association," and shall have succession for ninety-nine years.

Mulberry Ed.  
Association.

SEC. 28. *Be it further enacted*, That said Association shall have the right to sue and be sued by their corporate name in all courts of law and equity; shall have a common seal, and may change and alter the same at pleasure.

SEC. 29. *Be it further enacted*, That the capital stock of said Association shall not be less than four thousand dollars, nor more than twenty thousand dollars, to be divided into shares of twenty-five dollars each.

Capital Stock.

SEC. 30. *Be it further enacted*, That in all elections

- Voting. by the Stockholders of the Association, and at all general meetings, the Stockholders shall have one vote for every share by them respectively held, and may vote either in person or by proxy.
- SEC. 31. *Be it further enacted,* That the Stockholders may make all by-laws necessary for the regulation of said Association, not inconsistent with existing laws.
- Officers. SEC. 32. *Be it further enacted,* That the officers of said Association shall consist of one President, Vice-President, Secretary and Treasurer, who shall hold their offices respectively for one year, and until their successors are elected and installed.
- Powers. SEC. 33. *Be it further enacted,* That said Association shall have power to employ instructors, superintendents, fix the term of tuition, prescribe the course of study, make rules and regulations for the government of its property; to hold real or personal property, or both, by gift, grant, purchase, loan or devise, and to sell or exchange the same, as the interest of the Association may require; and under the rules and regulations adopted by it, to confer such literary degrees as are usual in academies and colleges.
- Same. SEC. 34. *Be it further enacted,* That said Association shall have power to receive subscriptions of stock in such sums, and upon such terms as it may prescribe; to create and sell scholarships; to create, raise and hold an endowment fund, invested in such manner as they may direct; and the property and assets of the Association shall be held, governed and controlled under such by-laws and ordinances as may, from time to time, be enacted by said Association.
- Name of Institution. SEC. 35. *Be it further enacted,* That the signatures of the President and Secretary, under the order of the Association, shall be sufficient to convey real or personal property.
- SEC. 36. *Be it further enacted,* That the institution of learning established by said Association shall be known by the name of the Mulberry "Male and Female Institute," to be regulated, governed and controlled as herein set forth.
- Directors, etc. SEC. 37. *Be it further enacted,* That the Association shall have power to appoint, annually, five directors, who may elect their own President and Secretary, whose duty it shall be, at all times, to inspect the Institute, and the property pertaining thereto, decide questions of discipline, and to prescribe such police regulations as they may deem necessary. The Directors may pass their own by-laws,

and shall exercise such other powers as may be conferred upon them by the Association; and should a vacancy occur among the Directors, the Association may fill the same in any manner they prescribe.

SEC. 38. *Be it further enacted*, That it shall not be lawful for any person to sell vinous or spiritous liquors in less quantities than a quart, within one mile of the said Institute during the progress of the school, and every person so offending shall be deemed guilty of a misdemeanor, and punished accordingly.

SEC. 39. *Be it further enacted*, That C. Cademus, his associates and successors, are hereby incorporated and created a body politic and corporate, with succession for ninety-nine years, (99,) under the style of the "Courtland Club Library and Literary Association," in the city of Memphis, State of Tennessee.

SEC. 40. *Be it further enacted*, That said corporation shall have authority to purchase, rent or build buildings suitable for meetings, Library and debating purposes; that the officers of said Club shall be a President, Vice-President and governing Committee of three, (3,) chosen at an annual meeting.

SEC. 41. *Be it further enacted*, That the members of said Club shall hold an annual meeting to elect officers, and may, at their pleasure, hold such meetings as they may deem necessary.

SEC. 42. *Be it further enacted*, That said club, after organization, may increase its membership as may be desired under such rules and regulations as may be adopted.

SEC. 43. *Be it further enacted*, WHEREAS, The Grand Division, Sons of Temperance of the State of Tennessee, was incorporated and made a body politic by the Act of the General Assembly, January 26, 1848; and

Whereas, By said Act of incorporation, the said Grand Division was empowered to purchase and hold, real estate for the purpose of founding a Hospital now in order that said power and privilege may be more fully set forth, and said Hospital definitely established, with all powers pertaining to private corporations and necessary for its welfare; Therefore,

*Be it further enacted*, That the "Tennessee Home for Inebriates," is, by that name incorporated and constituted a body corporate and politic.

SEC. 44. *Be it further enacted*, For said purposes the said Institution shall have power in its corporate name, to

Powers.

take, purchase and hold, real estate in the State of Tennessee, and erect thereon such buildings as may be required for its purposes; said corporation shall have power to sue and be sued, to make and use a common seal, and to alter the same at pleasure; and to take and hold any grant or devise of land or any donation or bequest of money or other personal property, to be applied to the founding and maintenance of said Institution.

Board of Trustees.

SEC. 45. *Be it further enacted*, That Isaac Litton, Isaac Paul, Anson Nelson, W. Bryce Thompson, C. H. Stockell, Dr. George S. Blackie, Dr. J. H. Curry, A. S. Colyar, Joseph S. Carols, M. J. C. Wrenne, W. T. Gates, Livingston Brien, Dr. B. F. Manlove, Dr. G. W. Marshall, of the County of Davidson; Dr. Thomas Norman, of the County of Wilson; Hiram S. Emerson, of the County of Coffee; Dr. J. W. Smith, of the County of Stewart; Dr. John F. Cage of the County of Sumner; John W. Ruth, of the County of Bedford; E. S. Butler, of the County of Maury; Joseph R. Anderson, of the County of Sullivan; W. W. Stringfield, of the County of Hawkins; Robert McNelly, of the County of Bradley; Elbert F. Sevier, of the County of Hamilton; W. F. Doherty, of the County of Benton; Thomas H. Cocke, of the County of Shelby; E. H. Osborne, of the County of Haywood; D. L. Willett, of the County of Henry; D. N. A. McCoy, of the County of Madison; and John McDougal, of the County of Hardin; shall constitute a Board of Trustees for said Institution, seven of whom shall be a quorum for the transaction of business under such regulations and restrictions as may be imposed by their own by-laws or the laws of the Grand Division aforesaid. Their term of office shall commence at the date of the passage of this Act, and continue during the pleasure of the Grand Division.

of  
ca.

SEC. 46. *Be it further enacted*, That the said Board of Trustees shall appoint all officers necessary to conduct the affairs of the said Institution, and are authorized and empowered to receive and retain for treatment all Inebriates who enter said Institution either voluntarily, or are placed there by order of any Court of Record, or if the patient be a minor, by order of his or her guardian or parent, and are authorized to make such charges for board and treatment, as may be required for the maintenance of said "Home for Inebriates."

SEC. 47. *Be it further enacted*, That DeWitt C. Bennett, W. A. Thomas, Joseph B. Marberry, J. B

Marshall and J. G. Nash, and their successors in office, <sup>First Baptist</sup> he and are hereby constituted a body corporate and politic, <sup>Church of</sup> by the name and style of the "First Baptist Church of Tullahoma." and shall have succession for ninety-nine years, and be capable in law or otherwise, to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattels which may be given, granted or devised to them for the use and benefit of said church, and to sell the same; *Provided*, it is not inconsistent with the terms granting the same; and the said Trustees and their successors, by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

SEC. 48. *Be it further enacted*, That the Trustees aforesaid (three of whom shall constitute a quorum) and their <sup>By-laws, etc,</sup> successors, shall have power to make such by-laws, rules and regulations for their government, as they may deem proper; *Provided*, they are not inconsistent with the Constitution and laws of the United States or the State of Tennessee; and to hold their meetings at such times and places, and to elect such officers as they may think proper.

SEC. 49. *Be it further enacted*, That the Trustees aforesaid shall be members of the said Baptist Church, in <sup>Elections.</sup> good standing, and shall be elected annually or otherwise, as their by-laws may prescribe.

SEC. 50. *Be it further enacted*, That the Trustees may have power to increase their number to ten, and to elect <sup>Number.</sup> others at any regular meeting when vacancies occur from any cause, and to declare vacant the seat of any Trustee who may neglect the business of the institution or for conduct not becoming the responsibility of his station.

SEC. 51. *Be it further enacted*, That the said body corporate is hereby authorized and empowered to open and conduct an institution of learning in manner hereinafter provided.

SEC. 52. *Be it further enacted*, That the Trustees aforesaid under the powers and immunities above enumerated, shall constitute a Board of Directors for said institution, and are authorized to elect a President and Faculty and <sup>Directors,</sup> empower them to take charge of the several departments <sup>powers, etc.</sup> of learning, and all other officers necessary for the management of the institution; and may make such by-laws as they may deem proper not inconsistent with the laws of the land; and generally may have, exercise and enjoy, all powers necessarily belonging to corporate bodies for the purpose of promoting and disseminating useful knowledge.

SEC. 53. *Be it further enacted*, That the property of the said First Baptist Church is hereby declared exempt from taxation.

Jackson  
Building Association.

SEC. 54. *Be it further enacted*, That Thomas Norvell, David Hampton, Lorenzo Goodell, P. C. McCowat, J. T. Beverage, A. S. Rogers, Jo. B. Caruthers, S. W. Edwards, Jesse Russell, Robert M. Hall and Alex. W. Campbell, and such others as may be associated with them, shall be and they are hereby constituted a body corporate and politic, for the purpose of building houses and renting the same, by a combination of capital and means in the City of Jackson, Madison County. This company will be known as the "Jackson Building Association," and by that name shall have succession for fifty years; may sue and be sued, may contract and be contracted with; may have a common seal; may purchase and hold such real and personal estate as may be necessary for the carrying on the business of the corporation; may sell and dispose of the same when the interests of said company may require it; and make all needful by-laws for their government, not inconsistent with the laws of this State or of the United States.

Capital Stock.

SEC. 55. *Be it further enacted*, That the capital stock of said company shall consist of one thousand shares of one hundred dollars each, with the privilege of increasing it if necessary, to two thousand shares, to be paid in monthly installments of ten dollars on each share.

Organization.

SEC. 56. *Be it further enacted*, That any three of the foregoing corporators, may, after giving ten days' notice, open books and receive subscriptions to the capital stock of said company; and when the sum of ten thousand dollars shall have been subscribed, the stockholders shall elect a board of seven Directors who shall be stockholders in said company, to manage the affairs of said company, who shall hold their offices for one year and until their successors are elected; in every election and at every general meeting, the stockholders shall be entitled to one vote for every share held by them, respectively. Five of said Directors shall constitute a quorum to do business, and shall elect a President and such other officers, agents and managers as may be necessary for transacting the affairs of said company, and fix their compensation; and do in behalf of the company, all other acts as are incident to such bodies. A failure to elect Directors on the day designated, shall not work a dissolution of the corporation, but, such elections may be held at any subsequent time, to be fixed

Failure to  
elect, etc.



by the Board of Directors. They may declare dividends annually, at which time the President and Directors shall make out and submit to the stockholders a full and fair report of the transactions of the company.

SEC. 57. *Be it further enacted*, That, if any stockholder shall fail to pay his monthly enstallments, the same may be sued for and recovered in any action of debt, with interest from the time the same shall become due; and if any stockholder shall be three months in arrears in paying said installment, the Board of Directors may, in their discretion, declare the whole amount paid in by said delinquent, to be forfeited to the company. Failure to pay installments.

SEC. 58. *Be it further enacted*, That mechanics and material men who shall become members of this company shall have preference in making contracts with said company for building houses and furnishing material for the same; *Provided*, they will do the work and furnish the materials upon as good terms as the same can be procured to be done by other persons. Preference to Members.

SEC. 59. *Be it further enacted*, That W. B. Spencer, J. G. Mann, Alex. W. Campbell, Edward A. Lindsey, John W. Gates, D. M. Wisdom, J. Henry Sharp, J. L. Ferguson, T. L. Hughes and John T. Stark, and their successors in office, be and they are hereby constituted a body politic and corporate, under the name and style of the "Jackson Library Association," to have succession fifty years; sue and be sued in all courts of law and equity; have and use a common seal, which may be changed at pleasure; receive and hold property, real and personal, by purchase, gift, or devise, and dispose of the same for the use and benefit of said association; and be vested with and exercise all the duties, powers and privileges incident to similar corporations in carrying out the intentions of this Act. Jackson Library Association.

SEC. 60. *Be it further enacted*, That the objects of this association shall be to procure, by purchase, gift, or devise, books, charts, periodicals and other literature, with which to constitute a Library in the City of Jackson, Tennessee, for the use and benefit of the members of the Jackson Library Association, and the general diffusion of knowledge among the members of said association. Objects.

SEC. 61. *Be it further enacted*, That Simeon R. Walker, W. M., Miram P. Rhodes, S. W., John M. Shelton, J. W., and their successors in office, be and they are hereby constituted a body politic and corporate, and by the East Star Lodge.

Powers, etc.

name and style of "East Star Lodge No. 20, of Free and Accepted Ancient York Masons, of Nashville;" shall have succession for ninety-nine years; shall have a common seal; and by the name aforesaid, said corporation shall be capable in law, to purchase, receive, hold to themselves and their successors and assigns forever, or for a less estate, any lands, tenements, goods, chattels or money, which may be given, granted or devised to them, or by them purchased; and to use, sell or dispose of the same in such manner as said Lodge may determine right and proper; and said corporation shall, by their corporate name aforesaid, sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

Officers, process, etc.

SEC. 62. *Be it further enacted*, That the officers of this corporation shall be the Master of the Lodge, the Senior and Junior Wardens; and the services of process issued against said corporation upon either of said officers, shall be good and sufficient to bring said corporation before any court of law or equity in this State; and all deeds, conveyances, rights and acquittances, bonds, obligations or other papers executed by said corporation, shall be signed by the Master of the Lodge and attested by the Secretary, under the corporate seal where seal is necessary.

Town of Culleoka.

SEC. 63. *Be it further enacted*, That the Town of Culleoka, in the County of Maury, and the inhabitants thereof, are hereby incorporated by the name and style of the "Mayor and Aldermen of the Town of Culleoka;" and shall have succession for ninety-nine years, and by their corporate name may sue and be sued, plead and be impleaded; grant and receive property, or dispose of the same for the benefit of said town; and may have and use a town seal.

Boundary line.

SEC. 64. *Be it further enacted*, That the corporate limits of the Town of Culleoka shall be as follows, viz.: Beginning on the east margin of the old Davis Ford Road, near a corner between the lot of J. D. Bennett and the lands of W. H. Wilks; thence an easterly direction, to the center of Fountain Creek; thence with said creek, to a stake near the Mooresville road; thence east, to the line between the lots of E. W. James and the lands of Jno. Bellanfont, east of the Dry Branch, and thence the Mooresville road leaves the street; thence north with the eastern edge of the street or road dividing the lands of said Bellanfont from others, to C. S. Bayless' line; thence east, to a corner between said Bayless and John Tombs; thence north, to a corner between J. N. Larance and John

Tombs; thence west with the line now existing between Boundary line said J. N. Larance and John Tombs, to the east edge of the road; thence north with Tombs' line on the eastern edge of said road, to a corner between John D. Williamson and Joseph Ballanfont; thence west with the said Joseph Ballanfont's line, to R. Holding's corner on same; thence due west, to the old Davis Ford Road; thence south with east edge of said road, to the beginning; *Provided*, that nothing in this Act incorporating the Town of Culleoka, shall be so construed as to include the lands belonging to the estate of Joseph Ballanfont, within the limits of said incorporation.

SEC. 65. *Be it further enacted*, That said corporation shall have power to enact such by-laws and ordinances as <sup>General pow-</sup> may be necessary and proper to preserve the health, peace, <sup>ers and privi-</sup> quiet and good order of said town; to prevent and remove <sup>leges.</sup> nuisances; to punish breaches of good order committed within the limits of said corporation; to provide for taxing, regulating and licensing theatrical and other shows, exhibitions and fairs; to restrain and prohibit gaming or gaming-houses; to restrain tippling-houses, and to pass all laws necessary for the regulation of the same; to pass by-laws and ordinances in relation to cleaning, paving and grading streets, alleys and sidewalks; to provide for the establishment of a fire company; to provide for the improvement of springs and digging wells and cisterns; to appoint a Treasurer, Recorder and Town-constable; to impose and collect fines and forfeitures for breach of the by-laws and ordinances of the corporation; to levy and <sup>Same.</sup> collect tax upon all property, polls and privileges within the said corporation, which are taxable by the laws of this State, or which may, for the time being, be taxable by the laws thereof; to appropriate all fines, penalties and forfeitures for the breach of the laws and ordinances; to levy and collect taxes for the purpose of carrying the measures and powers herein granted, into operation, for the benefit of said town; and to pass all laws and ordinances necessary and proper to carry the intention and meaning of this Act into effect; *Provided*, they are not incompatible with the Constitution and laws of this State.

SEC. 66. *Be it further enacted*, That all fines, penalties and forfeitures, imposed or accrued by or under the <sup>Fines, penal-</sup> by-laws and ordinances of said corporation, not exceeding <sup>ties, etc.</sup> fifty dollars, may be recovered by action of debt before the Mayor of said corporation or any Justice of the Peace of Maury County; and for sums exceeding fifty dollars, before the Circuit Court of said county.

Election of  
Aldermen.

SEC. 67. *Be it further enacted,* That, on the fourth Saturday of December of each and every year, or so soon thereafter as it can be done—by giving ten days' notice—the citizens and freeholders of said Town of Culleoka, who are qualified to vote for members of the Legislature—and all freeholders of said town—shall elect seven Aldermen, who shall be residents of said town, five of whom shall constitute a quorum; who, when duly elected, shall hold their offices one year, and until their successors are elected and qualified. The first election held under this action, shall be held by the constable of the Sixth Civil District of Maury County, under the same rules and restrictions as apply to the election of county officers; and every succeeding election shall be held by the Town-constable of said corporation, for the time being; a certificate signed by the constable and the three judges who held the election, to the Aldermen so elected, shall be a good and sufficient voucher in the hands of their Recorder, to enter upon and execute all the duties of their office. All vacancies which shall occur in the Board of Mayor and Aldermen, by death or otherwise, shall be filled, until the next annual election, by a majority of the Board in office, for the time being.

Same.

Mayor and  
other officers.

SEC. 68. *Be it further enacted,* That the Aldermen of said corporation shall, immediately upon their assuming the duties of their office, proceed to elect a Mayor, a Treasurer, a Town-constable, and a Recorder; and shall require the Treasurer and Constable to enter into bond and security, to be approved by the Mayor, faithfully to collect, pay over and account for, all moneys and other effects which may come into their hands, as said Constable and Treasurer.

Oaths of  
officers, etc.

SEC. 69. *Be it further enacted,* That the Mayor and Aldermen of said town, shall, before entering on the duties of their office, take an oath before some justice of the peace of Maury County, to faithfully, uprightly and honestly demean themselves as Mayor and Aldermen of said corporation, during their continuance in office. That it shall be the duty of the Sheriff or Jailer of Maury County, to receive and keep in jail, any person who shall be committed to his custody, by order of the Mayor of said town, on a charge of violating any of the by-laws of said corporation, in relation to the preservation of the peace and good order of said town, until the charge or charges can be disposed of in due course of law; either fee to be same as in other cases of imprisonment.

SEC. 70. *Be it further enacted,* That the Constable of

said town shall have the same fees as are allowed by law Fees, etc. to other constables of this State for similar services; and said constable, before he enters upon the discharge of his duties, shall take the oath prescribed by law for other constables of this State, to be administered by the Mayor. It shall be the duty of the Town-constable to execute all warrants and other process growing out of the corporation Processes. laws, from the Mayor or from a justice of the peace. The Mayor and Aldermen shall make such compensation to the Treasurer and Recorder as they may deem right and proper.

SEC. 71. *Be it further enacted*, That it shall be the duty of the Constable faithfully to collect and pay over, semi-annually, on the first Mondays of March and September, to the Treasurer, all taxes, fines, forfeitures, and penalties due and accruing to said corporation, and failure thereof shall be liable, by motion before the Circuit Court of Maury county, against himself and securities for the amount withheld; and to any judgments rendered against himself and securities, there shall be twelve and a half per cent. damages. This provision is extended to the Treasurer and his securities, in case he should fail to account for any of the corporation funds in his hands. Duties of Constable.

SEC. 72. *Be it further enacted*, That J. T. Dance, D. Holt, Dr. S. C. Dance, M. N. Moore, J. A. Silvertooth, and their associates and successors be, and they are hereby constituted a body politic and corporate, under the name and style of the "Lynchburg Male and Female Institute," and shall have succession for ninety-nine years. Lynchburg Male and Female Institute.

SEC. 73. *Be it further enacted*, That said Association shall have the right to sue and be sued by their corporate name in all the courts of law and equity; shall have a common seal, and may change and alter the same at pleasure. Privileges.

SEC. 74. *Be it further enacted*, That in all elections by the members of the Association, and at all general meetings, the members shall vote either in person or by proxy. Voting.

SEC. 75. *Be it further enacted*, That members of the Association may make all by-laws necessary for the regulation of said Association, not inconsistent with existing laws. By-laws.

SEC. 76. *Be it further enacted*, That the officers of said Association shall consist of one President, Vice-President, Secretary and Treasurer, who shall hold their offices respectively for one year and until their successors are elected and installed. Officers.

Powers and  
privileges.

SEC. 77. *Be it further enacted*, That the said Association shall have power to employ Instructors, Lecturers, and Superintendents; fix the terms of tuition; prescribe the course of study; make rules and regulations for the government of its property; to hold real or personal property, or both, by gift, grant, purchase, loan or devise, and to sell or exchange the same as the interest of the Association may require; and under the rules and regulations adopted, to confer such literary degrees as are usual in academies and colleges.

Funds,  
property, etc.

SEC. 78. *Be it further enacted*, That said Association shall have power to receive subscriptions in such sums and upon such terms as it may prescribe; to create, raise and hold an endowment fund, invested in such manner as they may direct; and the property and assets of the Association shall be held, governed and controlled under such by-laws and ordinances as may from time to time, be enacted by said Association.

SEC. 79. *Be it further enacted*, That the signatures of the President and Secretary, under the order of the Association, shall be sufficient to convey real or personal property.

Institution of  
learning.

SEC. 80. *Be it further enacted*, That the Institution of learning established by said Association shall be known by the name of the "Lynchburg Male and Female Institute," to be regulated, governed and controlled, as herein set forth.

Powers of Di-  
rectors.

SEC. 81. *Be it further enacted*, That the Association shall have power to appoint, annually, five Directors, who may elect their own President and Secretary, whose duty it shall be at all times to inspect the Institute, and the property pertaining thereto; decide questions of discipline, and to prescribe such regulations as they may deem necessary; The Directors may pass their own by-laws, and shall exercise such other powers as may be conferred upon them by the Association; and should a vacancy occur among the Directors, the Association may fill the same in any manner they may prescribe.

Laguado,  
etc., Turnpike  
Company.

SEC. 82. *Be it further enacted*, That the Act passed on the 24th of February, 1854, entitled "An Act to Incorporate the Laguado and Bull's Branch Turnpike Company," be, and the same is hereby, amended, so that said company may extend said road from a point on the Lebanon and Nashville Turnpike, at or near Paulding Anderson's; thence, in a southern direction, through the lands of said Paulding Anderson; thence, on or near the line be-

tween the lands of Berryman White and G. M. White; thence, through the lands of Manning McFarland and the heirs of W. B. Winter; thence, along the old Murfreesboro road, to String Town Station, on the Tennessee and Pacific Railroad.

SEC. 83. *Be it further enacted*, That D. G. Crudup, J. Manning, E. D. Winter, J. P. McFarland and Paulding Anderson, be, and are hereby appointed additional Commissioners of said Board, a majority of whom shall lay off and locate the extension of said road, as authorized in the 82d section of this Act. Commissioners

SEC. 84. *Be it further enacted*, That the Commissioners of the said road shall have power to erect and establish toll-gates, one toll-gate at any point on said extension, between the Lebanon and Nashville Turnpike and String Town Station; that the Commissioners shall have five years in which to construct the extension herein authorized. etc.

SEC. 85. *Be it further enacted*, That no State aid is granted to said Turnpike Company, under and by virtue of this Act, or any law of this State.

SEC. 86. *Be it further enacted*, That there be, and is hereby, created a body politic and corporate, to be known in law as the "Alisonia Manufacturing Company," to have succession and corporate existence for the term of ninety-nine years, with the power and authority of contracting and being contracted with, suing and being sued, of pleading and being impleaded; and to be endowed with all the rights, privileges and immunities appertaining to other incorporations granted by the State; *Provided, however*, that none of the powers hereby granted shall be so construed as to authorize the issuance of notes for circulation, or in any wise engaging in the business of banking. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, the same to be considered in law as personal property; to be transferable only on the books of the company, and then only when the shareholder is not indebted to the company for unpaid calls or installments, or otherwise, unless it be with the consent of the company, through the Directory. Alisonia Man'g Co.  
Powers and privileges.

SEC. 87. *Be it further enacted*, That the following persons, or any three or more of them, may act as Commissioners for receiving subscriptions to the stock of said company, either by opening books publicly, or otherwise; to regulate and fix the amount of the first installment to be paid on the same, the remaining calls or installments to be made by the Directory hereinafter provided for; and to

Commission-  
ers. do all other acts essential to the organization of the company, to-wit: A. S. Colyar, A. S. Marks, E. F. Colyar, John P. Hefner, Dr. William Estill Mason, Samuel D. Morgan, P. H. Marberry, P. H. Coffee, W. E. Colyar, John B. Colyar, Thomas F. Marley, A. R. David, E. O. Nathurst.

Manufactures,  
property, etc. SEC. 88. *Be it further enacted*, That said company shall have the right of engaging and employing its capital and credit in the manufacture of cotton-yarns and cotton goods, or woolen goods, or both, at Alisonia, in Franklin County, Tennessee, by the use of water power or steam, or both; or it may employ its capital and credit by smelting ores and making iron, manufacturing cars or farming implements, or by engaging in other industrial, mechanical or manufacturing pursuits, at Alisonia, or at such other place as it may choose; and shall have power to purchase, rent, lease, receive in gift, or hold as security for debts, such real, personal or mixed estate as it may deem expedient for conducting its business and operations; and to erect buildings or other necessary appendages; to create, maintain and operate motive power, and the same to use for its own purposes, or to sell, rent, lease or dispose of otherwise, at its pleasure.

Election of  
Directors. SEC. 89. *Be it further enacted*, That when the amount required to make its organization legal (and which shall not be less than fifty thousand dollars) is subscribed for, the stockholders may elect or appoint a Board of Directors, to consist of not less than three nor more than nine from their own body, the members thus to be elected or appointed for be decided on at the meeting to be held by the stockholders to organize the company. In all elections held by the stockholders, the rate of voting shall be one vote for each share; *Provided however*, that no stockholder shall either in person or by proxy, vote, who is in arrears in payment of any installment due on his or her stock, and in case of default in payment of any calls made, said default continuing for three months or more, the amount previously paid on such stock may be declared by the Directory as forfeited to the company, or it may be sued for and recovered as any other debt may be.

Proviso.  
Officers. SEC. 90. *Be it further enacted*, That the Board of Directors shall appoint one of its own number President, who, with the concurrence of a majority of the the Directors, shall appoint all other officers and agents; and the Board of Directors may adopt by-laws for its guidance.

SEC. 91. *Be it further enacted*, That James H. Carson,



William H. Eckel, Temple Harris, John Smith and William W. Dean; and their successors in office, be, and they are hereby constituted a body corporate and politic by the name and style of the "Board of Trustees of the Dandridge Baptist Church," in the Town of Dandridge, in Jefferson County, and State of Tennessee; and by that name and style may contract and be contracted with; may sue and be sued, plead and be impleaded, answer and be answered unto in all kinds of suits and actions in any of the courts in this State; and may have a common seal; and may do all other acts and things which bodies corporate and politic may lawfully do; and a majority, or any three of said Trustees, or their successors in office, shall constitute a quorum to transact the business of said Board of Trustees.

Dandridge  
Baptist  
Church.

SEC. 92. *Be it further enacted*, That said Board of Trustees and their successors in office, shall have the right and power to receive and hold by gift, donation, purchase, bequest or will, personal, real or mixed property, and may use, apply, sell or otherwise dispose of the same, or any part thereof, in such manner as may be best for the interest and benefit of said church, including any and all property, heretofore given to, or intended to be given for, the benefit of said church; and especially and particularly the said Board of Trustees and their successors in office shall succeed to possess and hold the lot of land and the appurtenances belonging to the same on which the church house of said church was heretofore erected, and on which it is now situated, which was given and conveyed by deed of conveyance heretofore by Joseph Hamilton to James Carson, Isaac Kimbrough, Caswell Lee, William Harris and James H. Carson, as Trustees and their successors in office, for the use and benefit of said church.

Powers of  
Trustees.

SEC. 93. *Be it further enacted*, That the members of the said church shall have the right and power in regular church session, to remove any Trustee of said Board at any time for good cause, such as they may adjudge good and sufficient cause, according to such rules and regulations as they may adopt in relation thereto, and all vacancies in said Board of Trustees occasioned by death, resignation, removal or otherwise, shall, and may be filled at any time hereafter by the members of said church, in regular church session. That said Board of Trustees and their successors in office, shall have power to make by-laws, rules and regulations necessary for their government; to choose their own officers, and remove them at pleasure in such manner as they think proper, and to do all other

Removals.

r. laws, etc.

acts and things necessary to accomplish the objects of this corporation, not inconsistent with the laws and Constitution of the State of Tennessee and of the United States, and with the provisions contained in this charter.

SEC. 94. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 24, 1870.

## CHAPTER XLVIII.

AN ACT in Behalf of the Mediterranean and Oriental Steam and Navigation Company; and for the Encouragement of Foreign Immigration.

WHEREAS, The strength and prosperity of a State depend immediately upon the increase and industry of its population; and

reamble.

*Whereas*, The rapid development of the great natural resources of this State, can in no other way be so surely and advantageously secured, as by giving encouragement to foreign immigration, and especially to immigration from those countries of Europe, whose inhabitants are familiar with the cultivation of the staple products of this State; and

ommission-  
s:

*Whereas*, The Mediterranean and Oriental Steam Navigation Company, of New York, a corporation existing under the laws of that State, with the following named persons as a Board of Commissioners: Joseph R. Hanley, Joseph Medal, Walter Harriman, William Dennison, George B. Loring, at large; and Horace Greeley, Erastus Brooks and Addison P. Jones, of New York; Benjamin Mills, of New Jersey; A. G. Moulton, of Mississippi; J. O. Noyes, of Louisiana; Wm. C. Wickam, of Virginia; E. E. Burress, of North Carolina; A. T. Blow, of Missouri; W. L. Trenholm, of South Carolina; M. L. Rice, of Arkansas; Allen A. Burton, of Kentucky; J. J. Hinds, of Alabama; Frank S. Davis, of Tennessee; W.

H. Gleason, of Florida, and John Carlisle, of Georgia;  
 \_\_\_\_\_, of West Virginia; \_\_\_\_\_

of Texas, and their successors, propose to establish a line of steamships, for the purpose of transporting emigrants from European ports, directly to ports of the the Southern States of the Union, and for the conveyance of mails of the United States, under An Act of Congress; such steamships to be owned by said company, navigated by citizens, and sailing under the flag of the United States; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for any company of Tennessee, for the purpose of aiding the Mediterranean and Oriental Steam Navigation Company of New York, in its operations for establishing and maintaining a line of steamships from the European ports directly to ports of the Southern States of the Union, and promoting immigration into this State, to subscribe for <sup>May subscribe</sup> stock, etc. and own stock in said company, and to pay therefor in money or in lands at prices to be agreed upon, or in bonds lawfully issued, and having not more than twenty years to run, and bearing interest not exceeding six per cent. *per annum*. And any corporation created under the laws of this State, and interested in promoting immigration therein, may, for the purpose of aiding to form a fund for the use and benefit of said company, deposit with the Post-office or Treasury Department at Washington City, bonds and securities of any of the Southern States of the Union, under the provisions of such Act or Acts of Congress as may be passed therefor, and pursuant to such contract or stipulations as may be agreed upon by and between such corporation and said company; *Provided*, that nothing is hereby intended to confer upon an county, town or city <sup>Proviso.</sup> in this State, the power to so contract and bind themselves.

SEC. 2. *Be it further enacted*, That said company shall have the right to purchase, receive, hold, mortgage or convey or otherwise dispose of lands and real estate in this State, and to possess, exercise and enjoy therein, all its chartered rights, privileges and immunities as granted and conferred under the laws of the State of New York, not inconsistent with the laws of this State; to transport and have the care of immigrants to any place within or across this State, to contract for the conveyance of merchandise and property, and hold the same in its care and custody; to receive and hold on deposit, the money of immigrants, and other persons, and issue bills of exchange and certificates of indebtedness, payable in or out of this State; to

rights and  
privileges.

same.

make advances for freights, commissions, insurance and other expenses, for a reasonable compensation as may be agreed upon by the parties in interest; and all contracts, obligations and agreements made by said company or its duly authorized officers or agents in any other State, or in any Foreign Country, for the purpose of conducting and promoting immigration as aforesaid, or for the purchase, sale, conveyance or other disposition of lands and real estate, shall be held as valid and binding in this State, and may be enforced in the courts thereof the same as though they were executed within this State.

payments by  
State for emi-  
grants.

SEC. 3. *Be it further enacted*, That for the purpose of encouraging immigration into this State and promoting the rapid development of its great natural advantages and resources, there shall be paid from the Treasury of this State to said Mediterranean, Oriental and Steam Navigation Company of New York, for each able-bodied foreign emigrant from Europe, not less than fifteen nor more than fifty years of age, who shall be introduced into this State, by said company at any time within ten years from the passage of this Act, and who shall reside therein for one year after his introduction without becoming chargeable to any town or county of this State as a pauper, the sum of twenty-five dollars, which shall be paid to said company.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,,

*Speaker of the Senate.*

Passed January 26, 1870.

## CHAPTER XLIX.

AN ACT to Regulate the Mode of Paying Subscriptions to the Mississippi River Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when any county on the line of the Mississippi River Railroad shall have made a subscription to aid in the construction of said road, and issued its bonds therefor, the Collector appointed to collect the assessments laid for the redemption of said bonds, shall be the custodian of the fund so raised, until the same is applied by him to the redemption of the county bonds, and the coupons thereon. Collector.

SEC. 2. *Be it further enacted,* That the Collector shall make monthly application of the funds so collected by him, to the redemption of the county bonds and coupons issued in aid of said railroad; which bonds and coupons, as fast as redeemed by him, shall be effectually cancelled and filed with the Clerk of the County Court, and by the Clerk reported to the County Court at each monthly term; and said bonds and coupons shall thereupon be destroyed, in such manner as the Court shall direct. Monthly application.

SEC. 3. *Be it further enacted,* That in case any county on the line of the Mississippi River Railroad shall fail or refuse to make any subscription in aid of the construction of said road, that said company shall be authorized to take any line through said county for their road, that they shall best be able to build, without the county aid; *Provided,* that they make compensation for the right of way, according to law. Right of way.

SEC. 4. *Be it further enacted,* That it shall and may be lawful for the Mississippi River Railroad Company, and any other railroad company, created by and existing under the laws of this State, and for any lessees of a railroad of such company, from time to time, to subscribe for or purchase the stock and bonds, or either, of any other railroad company or companies chartered by, or of which the road or roads is or are authorized to extend into, this State; and to make contract with such company or companies for the construction, maintenance, repairs or equipments, as well as lease of such other railroad or railroads, upon such terms as may be agreed upon by the company or companies owning the same, or by the companies and such lessees; *Provided,* that Stocks and bonds, etc.

Provisos.

the roads of the said companies so contracting or leasing, shall be directly, or by means of intervening railroads, connected with each other; and *provided further*, that the authority herein conferred, of subscribing or purchasing stock or bonds, or leasing any railroad, shall not, when exercised, in any way impair the statutory lien created in favor of the State of Tennessee, under the general Internal Improvement Laws of the State, on the road bed, rolling stock and equipments of either of the roads; or deprive the State of Tennessee, through its General Assembly, from passing any and all laws which may be deemed necessary and proper to preserve the debt that may be due and owing to the State, because of any State aid furnished to either of the contracting parties or roads.

Repealed.

SEC. 5. *Be it further enacted*, That the Act chartering the Mississippi River Railroad Company, be amended as follows: "That sections thirty-nine, forty-five, and sixty, be, and the same are hereby, repealed; and that said company be allowed seven years from the date of the passage of this Act, for the completion of said road."

Selection of  
Collector.

SEC. 6. *Be it further enacted*, That the County Court of Lauderdale County, may have the privilege of selecting the Collector of the taxes assessed for the payment of the subscription of said county to the Mississippi River Railroad; and shall put him under good and sufficient bonds, for the proper performance of his duty.

Same.

SEC. 7. *Be it further enacted*, That the provisions of the foregoing section shall be applicable, also, to the County of Dyer, in case said county shall make a corporate subscription to said road.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage; and all Acts and parts of Acts inconsistent therewith shall be, and the same are hereby repealed.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 27, 1870.

## CHAPTER L.

AN ACT to Compensate J. O. Griffith & Co., and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his warrant upon the Treasurer of the State, to J. O. Griffith & Co. for the sum of two thousand eight hundred and eighty-three dollars and fifty cents, for public printing.

SEC. 2. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer of the State, for the sum of seventy-five dollars, to John H. Gloss, for public printing done for the State; and this Act to take effect from and after its passage. J. H. Gloss.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed January 31, 1870.

## CHAPTER LI.

AN ACT for the Relief of Hezekiah Mills.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Hezekiah Mills be, and he is hereby released from all liability on account of a judgment recovered against him in the Circuit Court of Hancock County, as one of the securities of Jesse Alden, late Revenue Collector of Hancock County.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 4, 1870.

## CHAPTER LII.

AN ACT to Incorporate the Maxwell Insurance Company, of Tennessee, and for other purposes.

Powers and  
privileges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Mike Burns, R. C. McNairy, John M. Lea, Joseph W. Allen, John Overton, F. Furman, Wm. Simmons, W. H. Porter, John Morrow, Frank Green, S. D. Morgan, Andrew Hamilton, A. H. Hicks, Sam Watkins, Geo. C. Allen, Alex. Porter, and the subscribers to the stock of the company, and their successors shall be, and they are hereby declared to be a body politic and corporate, by the name and style of the "Maxwell Insurance Company, of Tennessee," and by that name shall so continue for the period of fifty years, and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, or elsewhere; and to make and use a common seal, and the same to alter or renew at their pleasure; and generally to do and perform all things relative to the objects of their institution, which now is, or shall be lawful for any individual or bodies politic or corporate to do.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of this company shall be one hundred thousand dollars, to be increased at the pleasure of the stockholders, to one hundred and fifty thousand dollars, divided into shares of fifty dollars each; ten dollars shall be paid on each share at the time of subscribing, and ten dollars on each share, shall, at the same time and place, be secured by negotiable notes, with security, to be approved by the President and Directors, payable in one of the banks of the city of Nashville, in ninety days from the date, to the President, Directors and company of said Maxwell Insurance Company. The balance of said stock shall be secured by notes, not having more than six months to run, with personal security, to be approved by the President and Directors, or by a pledge of bank stock, to the satisfaction of the President and Directors aforesaid.

Organisation.

SEC. 3. *Be it further enacted*, That so soon as five hundred shares are subscribed for and paid, or secured to be paid, the company shall be competent to transact all kinds of business for which it is established; and it shall



lawful for the stockholders to meet, as hereinafter stated, and choose their Directors.

SEC. 4. *Be it further enacted*, That said corporation is hereby authorized and empowered to hold, possess and hire, and the same to sell and convey, all such real estate as shall be necessary for the transaction of its business, or which may be conveyed to said company for the maturity of any debt which may become due or owing, or the satisfaction of any judgment or decree rendered in favor of said company; and may make such regulations shall be necessary and proper for the good government of said company.

SEC. 5. *Be it further enacted*, That the said "Maxwell Insurance Company," shall have full power and authority to make insurance upon ships and other sea vessels, and upon boats, flatboats and other river boats; upon freight, men's wages, wares and merchandise, and gold and silver coin or money, against all maritime risks or risks of the winds, seas or lakes, and upon houses, stores and other buildings, goods, wares, and merchandise, furniture and other articles, against fire, and upon bottomry and responsibility, and to fix a premium thereon; and the said company shall have power:

1st. To make insurance on lives.

2d. To receive and hold land under grants, with several or special covenants, so far as the same may be necessary for the transaction of their business, or when the same may be taken in payment of their debts, or purchased upon sale made under law of this State, so far as the same may be necessary to protect the rights of said company, and the same again to sell, convey and dispose of, and generally to do and perform all other things necessary to promote these objects.

SEC. 6. *Be it further enacted*, That it shall be lawful for said company to invest any part of its capital, stock, money, funds or other property, in any public stock or funded debt, created, or to be created by or under any laws of the United States, or this or any other State, or in the stock of any chartered bank in this State or of the United States, and the same to transfer at pleasure; and again invest the same, whenever, and so often as the exigencies of said company, or a due regard for the safety of its fund shall require; or they may loan the same, or any part thereof, to individual or public corporations on real or personal security, for such periods of time, as the Directors for the time being, shall deem prudent and best for the interest of said company.

**SEC. 7.** *Be it further enacted,* That the real and personal estate, business, property and funds of said company and the administration of its affairs, shall be under the direction and management and control of a Board of Directors, each of whom shall be owners in the name of not less than ten shares of the capital of said company, citizens of the United States and this State.

**SEC. 8.** *Be it further enacted,* That an election shall be held after the first election for the election of the Board of Directors of said company at the office of said company in the City of Nashville, on the first Monday in May, and every year, of which ten days' notice shall be given by at least two of the newspapers printed in Nashville, each shareholder giving one vote for each share of which he or she is owner; but no shareholder shall be entitled to more than thirty-five votes, and the persons so elected shall serve as Directors for the next succeeding twelve months; and if at any time, an election shall not be held as herein provided, said company shall not be dissolved; but the Board of Directors for the time being, shall serve until the next election takes place, which may be at any time thereafter, the Board for the time being giving at least ten days' notice thereof in two of the newspapers printed in Nashville; and the said Directors are hereby authorized to fill any vacancy which may happen through death, resignation or other cause.

**SEC. 9.** *Be it further enacted,* That the Directors so elected, shall elect one of their body President of said company, who shall serve until the next annual election and in case of his death, resignation or removal, the Board shall appoint a President *pro tempore*. They shall fill all vacancies which may occur in their own body, and shall appoint a Secretary and all subordinate officers, clerks, agents and servants for said corporation, fix their compensation and define their powers, and prescribe their duties, who shall hold their office during the pleasure of the Board.

**SEC. 10.** *Be it further enacted,* That the President, with four Directors,—or five Directors in the absence of the President,—shall have full power and authority in the name of said corporation, to insure upon all and every description of property hereinbefore mentioned, and to receive for the amount of premium, such security, payable at such times as they may deem satisfactory, in conformity with the regulations which may be from time to time, established by the Board.

11. *Be it further enacted*, That the stock of said Personal  
 ay shall be held and considered personal property, ~~property~~.  
 at it shall not be assigned or transferred, except by  
 present of a majority of two-thirds of the Directors,  
 in the manner and form which shall be prescribed by  
 Board of Directors; yet such stock to be liable for  
 satisfaction of debts, as now prescribed by law, to ren-  
 der it liable.

12. *Be it further enacted*, That on the first Mon-  
 day in May and November, of each year, half-yearly  
 Statements shall be made of the situation of the capital, Statements.  
 of the state of accounts of the company, which shall  
 be laid before the shareholders; and such dividends of  
 profit may be made, as the President and Directors  
 think advisable; but they shall in no case, diminish  
 capital stock.

13. *Be it further enacted*, That if, at any time a  
 holder shall fail to pay such installments on his  
 stock as may be called for at the time and in the manner  
 prescribed, the Board of Directors, for the time being,  
 shall have full power to declare such stock forfeited, and  
 after giving ten days' notice thereof, offer the same  
 stock, at public auction, to the highest bidder, for cash;  
 and the number of shares so sold shall be transferred by  
 the President of the Board of Directors, to the highest  
 bidder, who shall, by virtue of such transfer, become a  
 member of said company; and if the sum bid be not  
 equal to the amount paid, and the call for which it is sold,  
 the company may proceed to collect the residue from the  
 original stockholder, by suit in any court or tribunal of  
 this State having jurisdiction thereof.

14. *Be it further enacted*, That the Board of Di-  
 rectors shall have power at any time, when in their opin-  
 ion the interest of the company requires it, to demand of  
 any stockholder additional security for such part of his  
 stock as may remain unpaid; and if such stockholder  
 fail or refuse to give such additional or other security,  
 to the satisfaction of the Board of Directors, they may de-  
 clare such stock forfeited, and sell the same as provided  
 in the preceding section.

15. *Be it further enacted*, That so soon as the  
 amount of stock mentioned in the third section of this  
 act is subscribed for, and after five days' notice in two  
 of the newspapers published in Nashville, signed by any  
 members of the company, the shareholders shall meet  
 at such time and place as may be appointed within the City  
 of Nashville, and elect by ballot, the first Board of Direc-  
 tors, Election of  
 Directors, etc.

tors; a plurality of votes given shall elect; and the person so elected, shall, at their first meeting, elect one of themselves President of the Board, who, with the said Directors, shall serve until the first Monday in May, 1872, and until another Board of Directors is elected.

Liabilities of  
Directors.

SEC. 16. *Be it further enacted*, That no stockholder or member of this company, shall be answerable for the debts, or person, or individual property, for any contract or agreement of said company, or for any losses, deficiencies or failures of the capital stock of this company; but the whole of said capital stock, together with all profits, rights and credits belonging thereto, and nothing else, shall at any time be answerable for the demands against said company; *Provided*, that any Director or Directors shall sanction or aid in the continuance of said company after it shall become insolvent and unable to meet its liabilities, and said fact known to the Directors, shall be personally responsible for all deposits thereafter made and liabilities thereafter incurred by said company.

Banking, etc.

SEC. 17. *Be it further enacted*, That nothing herein contained shall be so construed as to give the company hereby created, the power of issuing bills of credit, or exercising banking privileges.

SEC. 18. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent the Legislature from granting similar powers and privileges to similar associations.

SEC. 19. *Be it further enacted*, That said company shall have power to insure any personal property named in the above Act.

Rights, etc.

SEC. 20. *Be it further enacted*, That the company hereby created, shall have all the rights and privileges that are now enjoyed by existing laws, to the other insurance companies in this State.

SEC. 21. *Be it further enacted*, That they shall pay the same taxes as other similar corporations of this State.

Nolensville &  
Wilker. Cross  
Roads Turnp.  
Co.

SEC. 22. *Be it further enacted*, That Joseph M. Benton, Joseph J. Green, W. K. Green, W. M. Clark, T. G. Smith, Joseph H. Murray, J. S. Hawlet, George Christian Evans Bennett, Lemuel Newsom, John F. Neal, Henry Naron, William Caldwell, E. C. Jobe, G. W. Laughlin, Thomas Black, Sr., Benj. Beatty, Sr., B. Baring, Alfred Davis, Thomas Edwards, Geo. W. Smith, W. H. Smith, James E. Manson, Leonard Davis, J. Love and John Shelton, be, and they are hereby, appointed Commissioners, to open books for the purpose of receiving

subscriptions, to the amount of thirty-five thousand dollars, to be applied to making a turnpike road from Nolensville, in Williamson County, to Wilkerson's Cross Roads, in Rutherford County; which sum of thirty-five thousand dollars shall be divided into shares of twenty-five dollars each; and subscriptions shall be in person or by attorney. As soon as five thousand dollars shall be subscribed, a meeting of the subscribers shall be held at Kedron Church, in Rutherford County, of which meeting the managers shall give thirty days' notice in some newspapers printed in Franklin and Murfreesboro; and the said subscribers, from and after the first meeting, shall be, and they are hereby, constituted a body politic and corporate, by the name of the "Nolensville and Wilkerson's Cross Roads Turnpike Company," and shall so continue as such; may sue and be sued, plea and be impleaded, answer and be answered, sell and purchase, and have a common seal. The subscribers, or a majority of them who shall be present at the first meeting, shall elect nine Directors, being shareholders, who shall elect one of their body President of the Board of Directors; and the President and Directors thus chosen, shall continue in office one year, and until another election shall take place. The President and Directors thus chosen shall have power to receive subscriptions for the residue of the thirty-five thousand dollars, until the whole sum shall have been subscribed for; and to make contracts with any person for opening, clearing and marking said road along the route which shall have been marked out by the Commissioners hereinafter appointed, and for performing such other work thereon as they may think proper and necessary; and to require, from time to time, from the subscribers, such advances on the respective shares as the wants of said company may require and demand, until the whole subscription shall be advanced; *provided*, that no call shall be made for more than five dollars at one time, on each share; of which thirty days' notice shall be given in some newspaper printed in Franklin and Murfreesboro. Said Directors shall have power, upon all emergencies, to call a general meeting of the subscribers, giving thirty days' notice in some newspaper printed in Franklin and Murfreesboro; to appoint a Treasurer and Clerk, and such other officers as may be necessary; to sign and settle all accounts, and to transact all business of said company, during intervals between the general meetings.

First meeting.

Powers and  
privileges of  
Directors.

Proviso.

SEC. 23. *Be it further enacted*, That the aforesaid turn- Rights, etc.  
pike company shall have and possess all the rights, privileges and exemptions, which are, by the charter granted

in 1829, given to the Franklin Turnpike Company; and further, shall be subject to all the laws governing the same, and no more.

**Commiss'n'rs.** SEC. 24. *Be it further enacted*, That Joseph J. Green, Jos. M. Bennett, Lemuel Newsom, J. H. Murray, John Shelton, Benj. Beatty, Sr., Brown Boring, J. E. Manson and G. W. Smith, be Commissioners, to designate the route along which the road shall run; and said Commissioners are required to locate said road along the most direct and practicable route, from Nolensville to Wilkerson's Cross Roads.

**Toll gate.** SEC. 25. *Be it further enacted*, That said corporation may establish toll gates, not exceeding three.

**Meetings.** SEC. 26. *Be it further enacted*, That the time of meeting for the shareholders to elect the Board of Directors, shall be the second Monday in October, of each year, and the place of meeting may be designated by said Board.

**Nolensville,  
etc. Turnpike  
Co's.** SEC. 27. *Be it further enacted*, That the Nolensville Turnpike Company and the Wilkerson Cross Roads Turnpike Company may take such stock in said road as their Directors shall see fit, and that said corporation shall have succession for the term of ninety-nine years.

SEC. 28. *Be it further enacted*, That the provisions of this Act shall not be so construed as to give any State aid to said incorporation.

**Provident  
Building As-  
sociation of  
Knoxville.** SEC. 29. *Be it further enacted*, That Charles Christian, James Brewer, J. H. Morgan, P. W. DeLancey, Daniel Keinborth, A. Ferguson, C. W. Riley, A. Mynders, W. H. Lamb, D. A. Richardson, W. W. De Groat, E. B. Mann, Amassa Roth, A. H. Perry and L. Beale, their associates, successors and assigns, be, and they are hereby incorporated, under the name and style of the "Provident Building Association of Knoxville," and as such, may sue and be sued, plead and be impleaded, may have and use a common seal, and generally enjoy and exercise all the rights and powers of similar incorporations.

**Powers and  
privileges.** SEC. 30. *Be it further enacted*, That the said association having for its object the accumulating of a fund from monthly contributions, fines, premiums on loans and interest on investments for the benefit of the members thereof, sufficient to enable the shareholders to build or purchase for themselves or their families, dwelling houses or other real estate, as they may deem advantageous, the parties named in section 29, of this Act, together with

such other persons as they may choose to associate with themselves, shall have power to adopt for the Association such Constitution as they may deem proper, not inconsistent with the purposes aforesaid; and they may further adopt such by-laws and regulations as may be necessary to carry out the purposes of the Association, and may conduct the affairs of the same in such manner as they may think best calculated to promote the good of the members.

SEC. 31. *Be it further enacted*, That no powers are understood to be conferred by this Act, inconsistent with the Constitution of the United States, or of the State of Tennessee.

SEC. 32. *Be it further enacted*, That C. W. Charlton, C. M. McGhee, John S. Van Gilder, — McCorkle, W. B. Smith, James S. Boyd, John Williams, John M. Davis, Thomas B. Frazier, John F. Pate, W. H. Turley, P. Dickinson, of the County of Knox; John L. Davis, Wm. Crutchfield, of the County of Hamilton; P. M. Craig, of the County of Bradley; R. P. Loyd, of the County of Bledsoe; Robert Owens, of the County of Marion; T. Nixon Van Dyke, of the County of McMinn; Robert Snead, of the County of Monroe; J. D. Kelley, of the County of Morgan; R. I. Wilson, of the County of Blount; W. C. Julian and J. P. Sevier, of the County of Roane; Samuel Moore, of the County of Anderson; R. D. Wheeler, of the County of Campbell; P. D. Fulkerson, of the County of Claiborne; B. L. Bennett, of the County of Sequatchie; William Collett, of the County of Sevier; William Brazleton, of the County of Jefferson; D. P. Morris, of the County of Grainger; John McGaughey, of the County of Greene; Alexander Stewart, of the County of Cocke; William C. Kyle, of the County of Hawkins; W. R. Sevier, of the County of Washington; Joseph Anderson, of the County of Sullivan; W. B. Carter, of the County of Carter; J. N. Shown, of the County of Johnson; James W. Gillespie, of the County of Rhea; be, and they are hereby incorporated, under the name of "The East Tennessee Agricultural Society," and as such, shall have the right to sue and be sued, plead and be impleaded, and generally to exercise all the rights and powers of incorporated companies, under the laws of this State, not inconsistent with the Constitution thereof, or with the Constitution of the United States.

SEC. 33. *Be it further enacted*, That the said East Tennessee Agricultural Society, incorporated by this Act, is hereby substituted to all the rights, privileges and powers.

ers of the corporators intended or designed to be appointed by the Governor under the provisions of An Act of the Legislature of this State, passed March 14, 1868, entitled "An Act to establish the Division Fair at Knoxville, Tennessee," to as full an extent as if they were appointed by the Governor under the provisions of said Act.

Organization.

SEC. 34. *Be it further enacted*, That any provisions of the Act passed March 14, 1868, in conflict with the provisions of this Act, are hereby repealed; by which it is meant that the persons hereby incorporated may proceed at once to organize themselves, by the appointment of such officers as they may deem necessary to effect the purpose and object of the Society.

Memphis  
Agr. and  
Mech. Soc'y.

SEC. 35. *Be it further enacted*, That the name of the "Shelby County Agricultural, Mechanical and Horticultural Society," incorporated by An Act passed February 12, 1869, be, and the same is hereby changed, to the "Memphis Agricultural and Mechanical Society;" and the said Society shall be entitled to have and enjoy the use and benefits of all such property as they may possess and hold, for the purposes of their organization, in as free a manner, and liable only to the same taxation as property held and to be used by the East Tennessee Agricultural Society; and shall enjoy the same police privileges as those heretofore conferred on Division Fairs; and shall have the right to appoint its own police force, for the regulation of its Fairs.

Alpha Gam-  
ma Fraternity

SEC. 36. *Be it further enacted*, That the Alpha Gamma Fraternity, of Cumberland University, in the town of Lebanon, State of Tennessee, be, and the same is hereby constituted a body politic and corporate, and by the name and style of "Alpha Gamma Fraternity;" shall have succession for ninety-nine years; shall have a common seal, with the right to alter or change the same at pleasure; and by the name aforesaid, said corporation shall be capable, in law, to purchase, receive, hold to them and their successors and assigns forever, or for a less estate, any lands, tenements, goods and chattles, or money, which may be given, granted or devised to them, or by them purchased, and to use, sell or dispose of the same in such manner as said Fraternity may deem and determine right and proper; and said corporation shall, by their corporate name aforesaid, sue and be sued, plead and be impleaded in any court of law or equity, in the State, or elsewhere.

Powers.

SEC. 37. *Be it further enacted*, That the officers of said Fraternity shall be a Rector, Vice-Rector, and such



other officers as the said Fraternity may deem necessary to the good government of the same; and the service of process at law issued against said corporation, upon either of said officers, shall be good and sufficient to bring said corporation before any court of law or equity in this State, or elsewhere; and all deeds, rights and conveyances, bonds, obligations, acquittances or other papers executed by said corporation, shall be signed by the Rector, and attested by the corporate seal of said Fraternity, when the use of said seal may become necessary; and said corporation may have power to make and enforce and control a code of by-laws and ordinances, for the regulation and conduction of the business of said Fraternity; *Provided*, That such by-laws and ordinances are not inconsistent with the Constitution of the State of Tennessee and of the United States, and with the specific objects of this Act.

SEC. 38. *Be it further enacted*, That said corporation shall have power to increase its membership, under such forms, rules and regulations, as may be deemed best, and most to the interest and advancement of said Fraternity. Officers, rights etc.  
Membership.

SEC. 39. *Be it further enacted*, That the Fraternity incorporated by this Act, and situated at Lebanon, in the State of Tennessee, shall be considered the mother body corporate, and as such shall have power to grant charters to other branches of this order, under such restrictions as may seem fit; *Provided*, The same shall be granted under the specific provisions of this Act, and consistent with the same. Mother body.

SEC. 40. *Be it further enacted*, That, Dr. Laban Haslip, J. S. Ledbetter, Thomas Jennings, Benj. F. Porter, William Boydston, Green B. Jennings, Robt. Strain, J. D. Robertson and their associates, are hereby incorporated by the name and style of the "Forked Deer River Free Navigation Company," and by said name may sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity in this State, and shall have succession for ninety-nine years; may make and use a common seal, and change the same or abolish it at pleasure. Forked Deer  
Free Navig'  
Company.

SEC. 41. *Be it further enacted*, That said company shall have power to ordain, establish and put in execution, any and all by-laws, rules and regulations, which they may deem proper for the management and government of the business of said company, not inconsistent with the provisions of this Act, nor with the Constitution and laws of this State or the United States. By-laws, etc.

SEC. 42. *Be it further enacted*, That said corporators

organization. may organize by the appointment of a President, Secretary and Treasurer, and all other officers they may deem necessary, at such time and place as they may designate, by notice previously given.

books. SEC. 43. *Be it further enacted*, That said corporators may open books at such time and place as they think proper, and receive voluntary subscriptions and donations of either money, labor or property; and if necessary, may sue for and recover, the same for the purposes of this corporation.

business, etc. SEC. 44. *Be it further enacted*, That the business of this company shall be, the clearing out and restoring the navigation of said river, from the old upper mouth thereof, behind Islands Nos. 26 and 27, in the Mississippi River, to above the point at which said river turns in the direction of the old channel of the Mississippi River, opposite to Needham's cut-off, as near the old channel of said Forked Deer River as possible, by way of Stokes' old Landing; and for that purpose may cut canals, dig or remove earth, fell and remove timber, or use the same; and also take and use earth, sand, gravel and rock, on and from any land that is convenient for said purposes; subject, however, to the provisions of chap. 10, title 8, part 1st, of the Code of Tennessee.

privileges. SEC. 45. *Be it further enacted*, That if any person shall destroy or injure the work or material of said company, or shall willfully do any act calculated to impede the navigation of said part of said river, or impede the completion of the object of this company, they shall be deemed guilty of a high misdemeanor, and on conviction shall be fined not less than fifty dollars, or imprisoned, or both, at the discretion of the court.

SEC. 46. *Be it further enacted*, That said Forked Deer River, from Key Corner to said old mouth thereof, be declared navigable for all citizens of the State and United States.

SEC. 47. *Be it further enacted*, That the first section of An Act to incorporate the Shelbyville and Flat Creek Turnpike Company, passed January 2, 1850, be amended by constituting Thomas Deever, Jordan Hale, Ambrose Parks, James Farrar, Howard Boon, John D. Floyd, H. L. Davidson and Joseph Ramsey, Commissioners for the purposes of said Act.

capital, organization, etc. The capital stock of said company may be reduced to ten thousand dollars, but may be further increased as may be necessary to carry into effect the provisions of its char-

ter; and that when ten thousand dollars may be subscribed, said company may be organized as provided by the charter, and in building said road under said Act, and the Acts amending and reviving the same, Flat Creek Store shall be a designated place on the line of said road; and when completed to Flat Creek Store, said company may erect toll-gates as provided by said charter.

SEC. 48. *Be it further enacted*, That L. H. Estes, Jr.; C. O. Nicholson, G. W. Gordon, F. H. Smith, Jesse G. Rainey, H. F. Gordon, Charles Gordon, A. H. Brown, W. T. James, Wm. J. Webster, Jno. A. Draughon, J. W. Huey, Wick Frierson, those associated with them, and their successors, be, and are hereby incorporated and made a body politic, by the name and style of "Young Debating Society, of Columbia, Tennessee," for the purpose of mutual improvement in the arts and sciences, and general literature, with full power and authority to form and adopt such constitution and by-laws as may be thought proper for its government; *Provided*, That the same be not inconsistent with the Constitution and laws of the State of Tennessee.

Young Debating  
Society of  
Columbia.

SEC. 49. *Be it further enacted*, That the persons hereby incorporated, may use a common seal, may sue and be sued in all courts of law and equity, and may hold real, personal and mixed property, not exceeding (\$5,000) five thousand dollars in value; and may exercise all powers belonging to corporate bodies for the purpose of promoting useful knowledge.

Powers, etc.

SEC. 50. *Be it further enacted*, That E. J. Tucker and Robert Quinn, and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of the "Somerville Manufacturing Mills;" and by that name and style shall have succession for ninety-nine years; shall have power to contract and be contracted with, sue and be sued; to make and use a common seal, and alter the same at discretion; to purchase and hold real estate, receive donations of land, money, or other property, erect buildings, put up engines, machinery and other fixtures for the purpose of grinding wheat, corn and other kinds of grain, and sawing heavy species of lumber; and also, of manufacturing cotton, wool, furniture, iron, machinery and implements of all kinds; and to do any and all things necessary or convenient, in and about or concerning such business purposes and objects.

Somerville  
Manufactg Mill

Purposes.

SEC. 51. *Be it further enacted*, That the capital stock

Capital stock. of said company shall be twenty thousand dollars, divided into shares of one hundred dollars each; said company shall have power to increase said capital stock to five hundred thousand dollars.

Organization, SEC. 52. *Be it further enacted*, That when the sum of twenty thousand dollars of stock shall be subscribed, the stockholders, after giving ten days' notice of the time and place of meeting, may assemble and elect from their number, five Directors of said company, who shall hold their office for twelve months, and until their successors are elected and qualified. Said Directors shall elect one of their number, President. The said company shall Powers, etc. have power to appoint or elect such other officers as may be necessary to the carrying on of their business, and make such by-laws, rules and regulations as they may deem necessary for the successful carrying on of the business of the company, not inconsistent with the laws of this State or of the United States.

Privileges, right of way, etc. SEC. 53. *Be it further enacted*, That said company may build dams, throw up levees, cut canals, and repair the dams and levees already constructed, and do any and all other things necessary to raise, keep and hold sufficient water power necessary for their business; and to this end may have right of way, and may cut, dig and take from the lands of any person, within twenty yards of such levees or dams, such and so much rock, earth and timber, as may be necessary for such purpose; and if any persons from whose lands such materials may be taken, shall desire compensation therefor, he, she or they shall be entitled to all the remedies, now made and provided by existing laws or such as may be hereafter enacted.

SEC. 54. *Be it further enacted*, That said company shall have all the rights, benefits and privileges granted to other corporations, and be subject to all laws governing corporations of similar character.

Tenn. Vulcan Roofing Co. SEC. 55. *Be it further enacted*, That Bushrod R. Johnson, Granville P. Smith, H. G. Scovel, Andrew P. Jackson, Otis Pratt, H. H. Haynes, W. N. Severance and H. D. Miller, their successors and associates, be and are hereby constituted a body corporate and politic, by the name and style of the "Tennessee Vulcanized Roofing Company," for the purpose of manufacturing, using, applying and selling an improved roofing composition, known as Jackson and Pratt's Vulcanized Roofing, and Boulevard pavements, and generally for the purpose of doing everything necessary to these objects.

SEC. 56. *Be it further enacted*, That said company shall have the power to make and use a common seal, Powers and and the same to change at pleasure; to make such by-laws rights. not inconsistent with the laws of the State, as may be necessary and useful; to sue and be sued, to plead and be impleaded; and to have succession for the space of thirty years; to hold by purchase or otherwise, and to dispose of any real estate or personal property that may be necessary or convenient for carrying on its operations.

SEC. 57. *Be it further enacted*, That the capital stock of said company, shall be divided into shares of fifty dollars each, and shall not consist of less than two hundred, Capital Stock. or more than three thousand shares, which shall be assignable on the books of said company; and that said company may organize under these charter provisions when one hundred shares of said stock are subscribed.

SEC. 58. *Be it further enacted*, That the stock, property and business of the company, shall be under the management of a President, elected by the Board of Directors, and a Board of Directors comprising not less than three nor more than nine persons chosen by the stockholder for one year, or until their successors are duly elected. That each share of stock shall count one vote in all elections, and that a majority of votes cast shall be necessary to a choice.

SEC. 59. *Be it further enacted*, That said Directors or a majority of the same, shall enact the by-laws for the government of the company and the management of its By-laws, etc. business; create all offices by them deemed necessary for said company, and elect the officers thereto.

SEC. 60. *Be it further enacted*, That Alexander Kerr, Alexander Wright, Samuel P. Jones, C. L. Reynolds White Bluff and their associates, successors and assigns, be, and they Manufing Co. are hereby constituted a body politic and corporate, by the name and style of the "White Bluff Manufacturing Company," and by that name and style shall have succession, with power to contract and be contracted with, to sue and be sued, and to have and use a common seal; to purchase, lease or hold by gift or otherwise, real estate, and erect thereon buildings, mills, engines, machinery and fixtures suitable for the manufacture of wagons, hacks, plows and other agricultural implements, furniture or other articles from the native productions of this State.

SEC. 61. *Be it further enacted*, That said corporation may organize said company by the appointment of five Organization, Directors, one of whom shall be President of the com- etc.

Organization, pany, and the Directors shall appoint or elect such other officers and managers as they may deem necessary, at such times and places as they may designate, by giving previous notice; and when thus organized, the said company shall have power to make such by-laws, rules and regulations as they may deem necessary for the government and prosecution of the business of said corporation.

Capital Stock. SEC. 62. *Be it further enacted,* That the capital stock of said company shall be twenty-five thousand dollars, divided into shares of fifty dollars each, transferable on the books of said company, upon such conditions as said company may prescribe by their by-laws. Said company shall have power to increase the capital stock of said company to one hundred thousand dollars. Said charter shall continue in force for thirty years.

McMinnville & Smithville Turnpike Co. SEC. 63. *Be it further enacted,* That R. H. Mason, L. D. Mercer, B. J. Hill, Charles Teachont, Wm. Fuston, Jno. W. Burks, of Warren county, T. L. Sewel, M. Word, Watson Potter, and P. G. Magness, Jr., W. A. Dunlap, of DeKalb county, be, and they are hereby appointed commissioners to open books and receive subscriptions for stock in a turnpike road, which is hereby authorized to be built from McMinnville to Smithville; that said commissioners, or a majority of them, may open books for subscriptions of stock, at such times and places as they may choose, and have authority to locate and determine the route said road shall run; that the stock in said road shall be divided into shares of twenty-five dollars each; that subscriptions for stock in said road may be received, payable in labor, materials, or any other mode agreed upon by said commissioners; that whenever the sum of three thousand dollars is subscribed to said commissioners, they shall call the stockholders together, first giving thirty days' notice, by publication in the "*New Era*," published at McMinnville, of time and place of meeting, who shall organize by electing a Board of five Directors, one of whom shall be President, one Secretary, and one Treasurer, all of whom shall be stockholders; that in making said election, each stockholder shall be entitled to cast one vote for each share he or they may own; and when so organized, said Election, etc. Board of Directors, their associates, successors and assigns, shall be a body politic and corporate, by the name and style of the "McMinnville & Smithville Turnpike Company;" and by that name shall have the right to sue and be sued, plead and be impleaded; have and use a common seal,

Subscriptions of Stock.

and change the same at pleasure, and have succession for thirty years.

SEC. 64. *Be it further enacted*, That said Board of Directors shall be elected annually, at such time and place as they may designate, first giving thirty days' notice of the time and place as directed in the foregoing section; said board may require the Treasurer of said company to give bond and security in such sum as they may see proper, for the faithful discharge of his duty, and the payment of all money which may come into his hands, which bond shall be made payable to the President of said company.

SEC. 65. *Be it further enacted*, That so soon as five miles of said road is built from either terminus, one gate may be erected at any point the Directors may see proper to locate; and for every additional five miles of the road, when completed, an additional gate may be erected, at which gates they may be allowed to demand and receive the same rate of toll as that allowed by the charter of the Lebanon & Nashville Turnpike Company.

SEC. 66. *Be it further enacted*, That the President and Directors of said company shall have power to make such by-laws for the government of said company, as they may see proper; *Provided*, they are not in conflict with the laws of this State, or of the United States; to put said road under contract; take bonds from contractors; and do any and all things necessary to complete said road, and keep the same in repair, coming within the legislative scope of the powers herein granted.

SEC. 67. *Be it further enacted*, That said road shall be graded at least sixteen feet wide, and to be covered twelve feet wide, with gravel six inches deep for the first coat; the second coat to be at least seven feet wide and five inches deep, with ditches on each side sufficient to drain the road; said company shall build all such culverts and drain as may be necessary.

SEC. 68. *Be it further enacted*, That John H. Smith, Jesse S. White, A. J. Campbell, Jno. W. Hyder, C. C. Bowman, M. D. L. Boren, J. K. Miller, Sam'l A. Cunningham, C. P. Toncray, J. F. M. Lewis, H. H. Housley, their associates, successors and assigns, be, and the same are hereby constituted a body politic and corporate, by the name and style of the "Carter County Agricultural & Mechanical Association of Elizabethton;" and by that name and style, shall have succession for ninety-nine years, with power to contract and be contracted with; to

sue and be sued, have a common seal; to make and establish rules, regulations and by-laws for the government of said company.

**Capital Stock.** SEC. 69. *Be it further enacted,* That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing it to any amount, to be divided into shares of twenty-five dollars each, and when the sum of three thousand dollars shall have been subscribed, the stockholders may elect their officers.

**Powers and Privileges.** SEC. 70. *Be it further enacted,* That said company shall have all the powers, privileges, rights and immunities, and be subject to all the liabilities and restrictions, conferred upon and granted to the Central Agricultural and Mechanical Fair of South-western Kentucky and West Tennessee, by An Act passed the 23d day of May, 1866, entitled, "An Act to incorporate the Otsego Mining and Petroleum Company, and for other purposes," the whole being embraced in sections 18 to 25, inclusive, of said Act.

SEC. 71. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

**Somerville General Manf'g Co.** SEC. 72. *Be it further enacted,* That Joel L. Pulliam, Whitfield Boyd, Joseph A. Hill, James J. Holloway, William Morris, James R. Mosby and William B. Dortch, together with such persons as they may associate with them, their successors and assigns, shall constitute a body corporate and politic, under the name and style of the "Somerville General Manufacturing Company," for the purpose of manufacturing goods and articles from cotton, wool and other textile materials; of making machinery, wagons, carts, and all other kinds of farming and other implements of wood, iron or other materials; of manufacturing brooms, leather, boots, shoes, brick, and any other articles; of erecting mills and necessary buildings, for the same; for grinding any character of grain, cotton or other kinds of seed, and of engaging in any other branch of manufacturing that said company may see fit to engage in; and under that name shall have succession, sue and be sued, make and use a common seal, and to change it at pleasure; to make such by-laws, not inconsistent with the laws of this State or the United States, as it may deem useful and necessary for its government; to hold, by purchase or otherwise, and to dispose of and convey, any real estate or personal property which may be necessary for carrying on its operations, or which it may become possessed of, in the payment of debts due to it, in whole or in part,

**Purposes.**

**Powers and privileges.**



not may for the benefit or profit of said company be based; and that all of the buildings of said company, used for manufacturing purposes, shall be located within corporate limits, or within three miles of the town of Somerville in the County of Fayette.

SEC. 73. *Be it further enacted*, That the capital stock of company shall be divided into shares of (\$200) two hundred dollars each, and not less than (250) two hundred fifty, nor more than (5,000) five thousand shares in number, and shall be considered in law as personal property, only to be transferable on the books of the company, at the consent of a majority of the Board of Directors, as the whole amount of said stock shall have previously been paid up in full, nor whilst said transferring stockholder shall in any wise be indebted to the company. The company shall have power to declare forfeited to it the remaining said shares of the stock, in whole or in part, upon which callments have been called; or, at its option, may sue for and recover the unpaid amount, before any tribunal having jurisdiction of the same, upon first having given thirty days' notice of such call having been made, in some newspaper published or circulating in said County of Fayette; and that said company may, at its pleasure and in such manner as its Directors may elect, increase its capital stock to any sum deemed advisable, between the minimum and maximum amounts heretofore prescribed; *Provided, however*, that each stockholder shall not be required to increase his stock without his consent, otherwise than the profits arising out of the profits of the business of the company.

Capital stock.

Forfeiture of stock, etc.

SEC. 74. *Be it further enacted*, That the persons named as incorporators in the 71st section of this Act, or they may select three of their number, who are authorized to open books for subscription to the capital stock of the company, at such times and places as they may deem advisable; and a majority of said incorporators may call a meeting for that purpose; said meeting to be held in the town of Somerville; and that subscriptions to the capital stock of said company shall be taken, first in money, to the amount of (25) one hundred and twenty-five shares; but said company, through its Directory, may authorize any stockholder, after the said (125) one hundred and twenty-five shares shall have been paid up in money, as hereinafter provided, to pay subsequent calls upon his stock subscribed, in work, raw cotton, wool, and any other materials, at such prices and places and times, as may be agreed on by said Di-

Subscription books, etc.

rectors and stockholders, and so entered upon the management of the Board.

**Elections of Directors.**

SEC. 75. *Be it further enacted,* That so soon as one hundred and twenty-five shares of the capital stock is transferred to the said incorporators named in the 72d section of this act, or a majority thereof, shall cause an election for the directors, after giving due notice of time and place, not less than five days.

**How managed**

The Directors shall be five in number, selected from the stockholders, who, together with a President, by a majority vote, shall be elected from their own body, shall manage the affairs of the Company.

**Annual election, etc.**

The said Directors shall be annually elected by the stockholders, and shall hold their offices until their successors are elected and qualified. The Board shall be authorized to fill any vacancy in its own body, to be filled until the next regular election. Each stockholder shall be entitled to one vote, in all elections, and upon all elections when authorized to vote, for every share he holds, either in his own right or as executor, administrator, guardian, trustee, or representative; and may vote in person or by proxy, authorized in writing; and no person shall be eligible to be President or Director, unless he shall be a stockholder, owning stock absolutely in his own right, to the amount of five shares. No stockholder shall be entitled to vote who may be in arrears of calls previously made on stock owned by him. A failure to attend an annual election, shall in no wise work a forfeiture of this charter, but that the officers shall hold over, unless an election is held within one month after the regular election.

**Voting, etc.**

SEC. 76. *Be it further enacted,* That the President and Directors shall be sworn to a faithful discharge of their duties, by some Justice of the Peace, and the oath shall be taken with the records of the company; that said President and Directors shall elect a Secretary and Treasurer annually, to hold their offices until their successors are elected and qualified, unless removed by the Board. They shall be sworn to a faithful discharge of their duties, and shall give bond, the Secretary not less than two, and the Treasurer not less than four, good, sufficient and undoubted securities, in such penalties as may be prescribed by the laws, said oath to be written upon the back of the bond, and filed with the records of the company. The said Directors may appoint all other officers, agents, factors and managers, and shall have power to require them to give bond and security, payable to the company, in such penalty and with such conditions as may be required by the by-laws.

**Oath of office.**

all bonds required by this Act shall not be void for Powers of  
 of form, nor upon the first or other recovery; but Directors.  
 be put in suit and recovery had as often as conditions  
 shall be broken to the damage of the company  
 individual. The said Board shall be required to  
 a strict and faithful record of all their proceedings  
 kept for that purpose, which shall be open at all  
 for inspection by any stockholder.

c. 77. *Be it further enacted*, That the meetings of the Meetings.  
 holders may be held at such times and for such pur-  
 as may be prescribed in the by-laws; all absent  
 holders may vote upon any question before the meet-  
 written proxy, signed by such stockholders; and  
 company shall decide what numbers of shares shall  
 constitute a quorum for the transaction of business.

c. 78. *Be it further enacted*, That the Board of Di-  
 shall fix the salary of the President, Directors, Salaries.  
 ary and Treasurer, and all inferior officers and  
 which shall not be increased or diminished during  
 term of office.

c. 79. *Be it further enacted*, That every stockholder Certificates,  
 have a certificate, under seal of the corporation and etc.  
 by the Treasurer, certifying his property in such  
 as shall be expressed in the certificate; and when-  
 any transfer of shares of stock shall be made for col-  
 security or absolutely, the same shall be so ex-  
 in the entry of said transfer.

c. 80. *Be it further enacted*, That said company, Assessments.  
 obtaining a subscription of stock to the amount of  
 one hundred and twenty-five shares, and the organ-  
 herein provided, may, from time to time, at any  
 meeting called for that purpose, assess upon each  
 of stock, such sums of money as two-thirds of the  
 holders in interest shall direct, not exceeding in the  
 amount at which each share shall be originally  
 ed; and such sums so assessed shall be paid at such  
 and by such installments as the Directors shall di-  
 after giving (30) thirty days notice of the time and  
 of payment in some newspaper circulating in the  
 ty.

c. 81. *Be it further enacted*, That the whole amount Liability for  
 debt of the company shall, at no time, exceed the cap- debts.  
 stock actually paid in; and in case of any excess, the Di-  
 under whose administration it shall happen, shall  
 jointly and severally liable to the extent of such excess  
 all debts of the company then existing, and for all  
 shall be contracted so long as they shall be respect-

When may  
erect build-  
ings, etc.

ively in office, until the debts shall be reduced to amount of capital stock so paid in.

SEC. 82. *Be it further enacted*, That said company through its Directory, shall not be authorized to enter into the purchase of any machinery and materials for the construction of the necessary buildings and fixtures (but not a contract for the real estate) until the aforesaid amount shall have been actually paid in, in money, which shall be certified under oath by the President and Directors, Secretary and Treasurer, and so published in some paper circulating in the county; should however any such purchase be made as above specified, the President, Directors, Secretary and Treasurer, shall be jointly and severally liable to pay the same to the venders and to be exempt from liability; may avail himself of the mode prescribed in section eleven of this Act.

Pikeville,  
Dunlap and  
Jasper Turn-  
pike Co.

SEC. 83. *Be it further enacted*, That Jos. A. H. loss, F. A. Hennigar, Jesse C. Roberson, David Isaac Robson, A. L. Pitts, Jonah Clark, Alexander R. Jas. J. Pope, Wm. Rankin, Frank Deakins, John Stone, P. L. Daniel, Robert Owen, D. N. Ketchen, F. Prior and their associates and successors, be and they are hereby created a body politic and corporate, under the name and style of the "Pikeville, Dunlap and Jasper Turnpike Company," for the purpose of building a Turnpike road from Pikeville to Jasper; and by that name may sue and be sued, plead and be impleaded in all the courts in this State; and shall have succession for fifty years; and shall have all the rights, and exercise the powers that are given to the corporators of the McMinnville and Smithville Turnpike Company, created by this Act.

Holston Man-  
ufacturing Co.

SEC. 84. *Be it further enacted*, That Wm. Ingles, T. Ingles, F. D. Massingill, J. C. Millard, and Jacob Cross, their associates, successors and assigns, are hereby created a body corporate and politic under the name and style of the "Holston Manufacturing Company," and shall have succession for ninety-nine years; and by that name, shall contract and be contracted with, sue and be sued, plead and be impleaded in any court of law or equity; may adopt and use a common seal, changeable at the pleasure of the company; and have and enjoy all the rights and privileges incident to corporations.

SEC. 85. *Be it further enacted*, That said comp

may acquire and hold by purchase, lease and rent, any real **Privileges.**  
or personal property necessary, proper or convenient to  
carry on the business or any part thereof; may sell, convey,  
exchange, lease or rent the same, or any part thereof, at  
any time or times during the continuance of this charter.

SEC. 86. *Be it further enacted,* That the purpose, busi-  
ness and objects of said company are, the manufacture of  
cotton yarn and cloth; and to use, barter, sell or exchange **Purposes and powers.**  
the same at their place of business in Sullivan County,  
East Tennessee, or elsewhere; and said company is here-  
by fully empowered and authorized to do and perform all  
such acts, and to erect buildings, and to do any and all  
things which are necessary or convenient, in, about or con-  
cerning such business, purposes and objects; and said  
company may make or have executed to them, mortgages,  
deeds of trust or real or personal property, or both, when  
necessary or prudent in their business, or in order to secure  
debts due or to become due by or to said corporation.

SEC. 87. *Be it further enacted,* That said company  
may ordain and establish from time to time, alter or **By-laws, etc.**  
amend, such by-laws, rules and regulations for the govern-  
ment of their affairs, as the company may deem proper,  
and which shall not contravene this charter and the laws  
of the land.

The capital stock of said company shall be one hundred **Capital stock.**  
thousand dollars; and any three of said corporators may  
open books for subscription of stock in said com-  
pany, at such time and place as they may choose; and  
when the sum of fifty thousand dollars shall have been  
subscribed, then said company shall proceed to organize  
and elect a directory, consisting of seven, who shall elect  
out of their number, or from among the stockholders, a  
President, Secretary and Treasurer, to serve until the next  
meeting of the stockholders, and until their successors  
are qualified and inducted into office. The annual meet-  
ing of the stockholders is hereby fixed to take place on  
the first Thursday of July in each and every year,  
after the organization of said company, at which time the **Annual meet-  
ing, etc.**  
elections are to take place. The stockholders may em-  
power the Directory to change the rules and regulations if  
desired. The Directory may dismiss any officer or agent  
of said company from such position for malfeasance, mis-  
feasance or nonfeasance in office, and may require bond **Dismissals.**  
and security in such sum as they may deem proper, from  
any officer or agent, conditioned for the faithful perform-  
ance of the respective duties enjoined upon them by the  
by-laws, rules and regulations of said company.

At the annual election, a majority of the votes cast, in person or by written proxy, shall govern in elections and all other matters.

Vacancies.

In case of a vacancy in any office or agency, the Director or such parts as remain in office, may fill such vacancy till the next annual meeting, or for a shorter period, at their discretion.

May increase.

SEC. 88. *Be it further enacted*, That said company may increase its capital stock by admitting new subscribers at any time, until the capital stock amounts to two hundred thousand dollars, but no more. Each share in said company shall be fifty dollars.

SEC. 89. *Be it further enacted*, That the stockholders in said company, after having paid in a sufficient amount of their subscriptions to put the business of the company in successful operation, shall have permission to use their net income in the liquidation of what may remain of their subscriptions unpaid, provided the company shall desire to extend their business to the full extent of their capital stock and any stockholders shall have full power and authority to sell and transfer their stock in said company by personal application to the Secretary, or by written power of Attorney, to change their stock on the books of the company.

Tenn. Mining  
and Land Co.

SEC. 90. *Be it further enacted*, That William Bigler, Cyrus Clark, F. W. Hughes and Isaac N. Phillips, of the State of Pennsylvania; William A. Haskins and John S. Van Winkle, of the State of Kentucky; D. K. Young and R. K. Byrd, of the State of Tennessee, and their successors, be, and they are constituted a body politic and corporate, by the name and style of the "Tennessee Mining and Land Company," and may have succession for ninety-nine years; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded in any court or place whatever, and may have and use a common seal, break, alter and renew the same at pleasure, may purchase and hold real and personal property, and sell and convey the same at pleasure, may make and put into execution, such by-laws, rules and regulations as they may deem proper, for the control and management of their business; *Provided*, the same are not inconsistent with the Constitution and laws of this State.

Privileges.

SEC. 91. *Be it further enacted*, That the capital stock of said company shall consist of twenty-five hundred shares, of one hundred dollars each, which may be increased by the Board of Directors, to ten thousand shares of like amount at their discretion.

Any three or more of the corporators named in this Act may open books for subscription to the capital stock of said company, and may receive subscriptions to the same, of lands, coal, iron mines and other mines or mineral lands or leases, upon such terms as may be agreed on between the said corporators and persons subscribing. Subscription Books.

As soon as five hundred shares are subscribed, the stockholders, their agents or proxies, shall, at such time and place as may be designated by said corporators, proceed to elect a President and six Directors, to be known as the Board of Directors, who are empowered to manage and conduct the affairs and business of said company; said Board may appoint a Secretary, Treasurer and such other officers and agents as may be necessary or convenient in carrying on the business of the company. No person shall be eligible to the office of President or Director who is not a stockholder in the company. Organization.

The President and Directors shall hold their offices for the term of one year, and until their successors are elected and installed into office; the annual election for the Board of Directors shall be held on the second Wednesday in March, at such place as may be designated by the Board of Directors, by a notice printed in any newspaper published in the town where the principal office of the company shall be located, or if none there, in any of the principal newspapers published in the city of Knoxville for twenty days' next preceding the time of the election. At any election of the Board of Directors, each shareholder shall be entitled to one vote for each share of stock he may hold. Terms of office, etc.

In case of a vacancy in the office of President or Director, the Board may fill the same until the next annual election, and the installation of the officer or officers then elected. Vacancies.

Four of the Board shall constitute a quorum for the transaction of business. The books of the company shall, at all times, be open to the inspection of the stockholders. The stock of the company shall be deemed personal property, and may be transferred on the books of the company, and in such other manner as may be determined on by the board. Dividends shall be declared on equitable principles, but the Board of Directors may determine when, and how often such dividends may be declared. Books, Stock, etc.

SEC. 92. *Be it further enacted,* That the business of said company shall be, the development of the coal, iron, salt, and other mineral resources, and the mining and manufacture of coal, iron and other minerals of the coun- Business.

ties of Fentress, Scott, Anderson, Morgan, Roane, Cumberland, Knox, Campbell and Bledsoe; the manufacture of lumber and wooden wares, and to encourage immigration to said counties; and for this purpose said company may purchase, hold and sell real estate; *provided* the same shall not exceed two hundred and fifty thousand acres, at any one time.

Bear Creek  
Turnp. Co.

SEC. 93. *Be it further enacted*, That F. J. Ewing, D. G. Gregory, T. A. Leftwich, James O. Beasley, C. V. Cyrus, D. K. Hayes, David Lowell, F. A. Polk, and R. H. Oglevie, and their successors in office, be, and they are hereby constituted a body politic and corporate; may sue and be sued; with power and authority to open books and receive subscriptions of stock, payable in money, work or material, to be used in constructing a turnpike road, in the county of Maury, to be known as the "Bear Creek Turnpike Company," beginning in the Franklin and Columbia Turnpike road, at or near the south-west corner of L. W. Black's farm, running thence to the Sulphur Springs on Bear Creek; up said creek on the north bank, to T. A. Leftwich's land; and thence the most practicable and direct route to the Franklin and Lewisburg Turnpike road, intersecting said pike at or near Mrs. Orr's.

Capital Stock.

SEC. 94. *Be it further enacted*, That the stock of said company shall be divided into shares of twenty-five dollars each; and as soon as the Commissioners shall believe that an amount has been subscribed, in money, work or material sufficient to build the road they shall notify the stockholders of the same by written notice, ten days in advance of the time and place of meeting, at which time the stockholders shall elect at least five Directors out of their number, three of whom shall constitute a quorum, and the Directors shall elect one of their number President, and a Secretary and Treasurer; pass all by-laws necessary for the government of the company, locate the road, select the site for building bridges and culverts.

Meeting.

Term of office.

All the officers thus elected shall hold their offices for two years, or until their successors are elected, and shall have power to make contracts with any person or persons for the building of said road, bridges, or any part thereof.

Voting, grade  
etc.

SEC. 95. *Be it further enacted*, That in the election of Directors, each Stockholder shall be entitled to as many votes as he or she may have shares of stock. The road shall be opened twenty-five feet wide, and graded twenty feet, with sufficient ditches and culverts to drain the road; the first coat of stone or gravel shall be six inches thick on



the wings and nine inches thick in the middle, to the width of six feet.

SEC. 96. *Be it further enacted*, That the company may use any earth, timber, stone or gravel within one mile of their road, necessary to construct the same, and if they cannot agree with the owners of the same; for the value thereof, each party may select two disinterested freeholders to assess the value or damages to the owner, and the company shall pay the assessment. If they refuse to pay the amount thus assessed, the party injured may recover judgment for the amount with costs before any tribunal having jurisdiction in such cases. May take pro-party.

SEC. 97. *Be it further enacted*, That the company may erect one toll-gate on the road at such point as they may select, after they have completed four miles of road, and one toll-gate for every additional five miles of road when built; and they shall be entitled to receive the same rates of toll as the Columbia and Pulaski Turnpike road. Toll-gates.

SEC. 98. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 5, 1870.

## CHAPTER LIII.

AN ACT to Amend An Act to Authorize the Extension of the North-Eastern and Wills Valley Railroad of Alabama to Chattanooga in this State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act passed February 28th 1854, entitled "An Act to authorize the extension of the North-Eastern and Wills Valley Railroad, of Alabama, to Chattanooga, or elsewhere, in this State, and for other purposes," be and the same is hereby so amended as to change the name of said company to that of the Alabama and Chattanooga Railroad Company; and shall under and by that name, have, exercise and maintain all the powers and Change of Name.

privileges, franchises and rights of every nature whatever, it might have done, had its name not been changed; and be likewise subject to the same liabilities.

May survey  
Route, etc.

SEC. 2. *Be it further enacted*, That D. N. Stanton, President, and J. T. Burn, J. C. Stanton, Lewis Rice, John Dermitt, J. P. Roberson, Seth Adams, S. A. Carlton, Wm. Claflin, Robert T. Paine, Jr., W. P. Rathburn and R. M. Patton, Directors of said Railroad Company, or their successors in office, or a majority of them, or their chief engineer, whose action shall be approved by the President, and a majority of the then Directors of said company, are thereby authorized and empowered to survey, lay off, locate, extend, build and construct their said railroad, commencing at or near Wauhatchie Station, on the Nashville and Chattanooga Railroad, in Hamilton county, Tennessee, by the nearest practicable route to such point within the corporate limits of the City of Chattanooga, Tennessee, as they may deem most advantageous for making connections with other roads now in operation, or that may hereafter terminate at that point; and for this purpose may locate their said road so as to cross the track of the Nashville and Chattanooga Railroad Company West of Lookout Mountain, and re-cross the track of said Nashville and Chattanooga Railroad east of said Lookout Mountain; *Provided, however*, that the Alabama and Chattanooga Railroad Company shall, at its own expense, build, erect and keep in repair, all necessary switches and fixtures at said crossings, and shall not unnecessarily hinder or delay the passage of trains upon the said Nashville and Chattanooga Railroad.

Proviso.

May enter up-  
on Lands.

SEC. 3. *Be it further enacted*, That said Alabama and Chattanooga Railroad Company be and is hereby authorized to enter in and upon the lands of individuals and corporations, make surveys, measurements; and do all other things necessary to permanently locate and extend its said road from or near Wauhatchie to such point as it may fix in the City of Chattanooga; and when said road is permanently located and approved as herein provided, said company is then empowered and authorized to build said road through and upon all the lands of all persons and corporations through or upon which said road may have been located; and to transport and carry materials through adjoining lands, when necessary, for building said road. To buy, obtain by gift or otherwise, the right to enter upon and appropriate all such lands as may be necessary for a main track of said road, sidelings, switches, embankments, fills, water stations, pumps and pipes leading thereto,

Property.

storehouses, depots, stations, houses, machine-shops, car-sheds, and for such other purposes as may be necessary for the successful operation of said road; and in the event said company and the owners of any of said lands so entered upon and appropriated for any of the purposes herein authorized to be made, cannot agree upon the price of any such land, then, in that event, its value shall be ascertained in the same manner, and both parties shall be subject to and governed by the same regulations, and have the rights, respectively, as prescribed in Sections 24 and 25 of An Act passed December 11th, 1845, entitled "An Act to incorporate the Nashville and Chattanooga Railroad Company;" and all suits brought for damages to any such lands so appropriated, shall have only the same effect, and shall not be brought otherwise than in the manner prescribed in said section of said Act, passed December 11th, 1845; and when finally determined, shall confer the same rights upon the respective parties as prescribed in said Act of December 11th, 1845. Rights and privileges.

SEC. 4. *Be it further enacted*, That all the rights, powers, privileges and franchises granted to the North-Eastern and South-Western or Willis Valley Railroad, of Alabama, by the Acts of February 28th, 1854, which this is intended to amend, be and the same is hereby conferred upon and vested in the Alabama and Chattanooga Railroad Company, and is in all respects applicable to said railroad when located from or near Wauhatchie Station to Chattanooga, Tennessee; *Provided* that nothing in this or any of the Acts which it is intended to amend, shall be so construed as to give any "State aid" to said road, in any manner whatever, nor to confer the privilege of banking upon said company. Same.

SEC. 5. *Be it further enacted*, That said Alabama and Chattanooga Railroad Company be and is hereby authorized to consolidate its said road with other railroads that may now or may hereafter terminate at Chattanooga, Tennessee; to give a lease of its road and to take leases upon any such road for any term of years, subject to ratification of a majority of the stockholders of said Alabama and Chattanooga Railroad Company; and this Act to go into effect from and after its passage. May consolidate.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 7, 1870.

## CHAPTER LIV.

AN ACT to Enable the County of Lincoln to Construct and Purchase Turnpikes within its own Limits.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Lincoln County shall be, and the same is hereby authorized and empowered to construct and purchase any number of miles of turnpikes, within the limits of said county. Any pike or pikes, so constructed or purchased under this Act, shall be under the special control of said court; and shall be entitled to the same rights and privileges, and subject to the same restrictions, of the Fayetteville and Lynchburg Turnpike Company.

Rights, etc.

May issue bonds.

Taxes.

SEC. 2. *Be it further enacted,* That for the purpose of carrying into effect the foregoing section, said court shall be, and is hereby authorized and empowered, to issue county bonds of said County of Lincoln, with coupons attached, which shall not bear a higher rate of interest than six per cent. per annum, and which shall run for thirty years, or less, as said court may determine; also, to levy a tax upon property and polls, to meet the principal and interest of said bonds; also, to levy a direct tax upon property and polls, in order to pay for the construction and purchase of said pikes; also, to adopt any other plan or scheme, as in its discretion said court may deem best, to effect the purpose.

Citizens may build pike,

Proviso.

SEC. 3. *Be it further enacted,* That said County Court of Lincoln County shall be, and is hereby authorized and empowered, to grant privilege to any of its citizens, to build a pike or pikes in said county, for any distance of five miles or over, said county building or paying for one-half of the same; *Provided,* that not less than five citizens shall petition said court for such privilege, fully describing in said petition the road upon which a turnpike is to be built; and said court shall thereupon appoint some competent person or persons, not more than three, to survey and estimate the cost of the proposed turnpike, and report to the next term of said court, or as soon as practicable. Said petitioners shall then be allowed six months thereafter, to raise subscriptions for the construction of said turnpike, to the amount of fifty per cent. on said estimate; and when said fifty per cent. is so raised, and re-

ported to said court, said court shall raise the same amount, as provided in section 2 of this Act. Should the petitioners be unsuccessful in raising the fifty per cent. subscription upon said estimate, then they shall pay all costs accruing upon such proceedings; but should the necessary amount be raised, then the costs shall be adjudged against, and be paid by the stock company thus organized. Subscriptions.

SEC. 4. *Be it further enacted,* That any pike or pikes constructed under section 3 of this Act, shall be under the control of the stockholders who have subscribed the fifty per cent. of stock; and said stockholders shall be entitled to elect a President and nine Directors; and shall be entitled to the same rights and privileges, and subject to the same restrictions, as the Fayetteville and Lynchburg Turnpike Company. Said company, so organized, shall report annually, under oath, through its officers, the condition of said company and turnpike road or roads, and particularly the receipts and expenditures for the current year; and shall pay over one half of the net profits of said road or roads to the County Trustee for county purposes; and said county shall have a lien on said turnpike, for the amount subscribed by the county, as hereinbefore set forth; and said court, through its proper officers and agents, shall be entitled at all times, to inspect the books and papers of said company or companies. Privileges, etc. Report.

SEC. 5. *Be it further enacted,* That before the construction or purchase of any pike or pikes, or aiding in the same, or the issuance of any bonds, or the levying of any tax, or otherwise imposing any burden upon the people of said county, for the purpose of building or purchasing any pike or pikes, or aiding in the same, said court shall first submit its action to the tax-payers of said county, for ratification or rejection, the will of said tax-payers being ascertained in such manner and under such regulations as said court may direct; *Provided,* that this section shall not be construed to authorize said court to impose any more or greater restraint or inconvenience upon said tax-payers, than is imposed in ordinary elections; *Provided,* all other counties in the State shall have the same privilege. Tax-payers to ratify.

SEC. 6. *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
JONATHAN MORRIS,  
*Speaker pro tem., of the Senate.*

Passed February 7, 1870.

## CHAPTER LV.

AN ACT to Confer upon the Town of Brownsville, in the County of Haywood, the Authority to Issue Corporation Bonds in aid of Railroads, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 71 of An Act passed the 15th day of February, 1869, or so much thereof as to change the name and style of the Brownsville and Dyer County Railroad to the Brownsville and Ohio Railroad, which road shall run from Brownsville *via*. Friendship, instead of Chestnut Bluff and Dyersburg, to some point in the State of Kentucky west of the Tennessee River, to be determined by said railroad company.

May issue  
bonds.

SEC. 2. *Be it further enacted*, That the corporate authorities of the city of Brownsville, in Haywood county, are hereby authorized to issue corporate bonds to the amount of two hundred thousand dollars, for railroad purposes, to be called Brownsville Railroad Bonds, running, not exceeding twenty years, and bearing interest, payable annuallly, not exceeding the rate of interest at the place where said bonds are made payable.

To be issued  
at par value.

SEC. 3. *Be it further enacted*, That the bonds authorized to be issued by this Act, or any part thereof, may be subscribed as stock in the Brownsville and Ohio Railroad Company, said bonds to be taken by said company at par, and to issue to the corporation of Brownsville certificates of stock of said railroad company, equal to the amount of bonds received from said corporation.

Election.

SEC. 4. *Be it further enacted*, That upon the application of the President of the Brownsville and Ohio Railroad Company, to the corporate authorities of the city of Brownsville, said authorities shall publish, or cause to be published in the county newspaper, not less than twenty days, for the purpose of holding an election, to be held in the usual way, in said city of Brownsville, at which election all the legal voters shall have the privilege of voting for or against the issuance of said railroad bonds; and unless a majority of the votes cast at such election be in favor of the proposed issuance of railroad bonds, no authority shall be given by this Act to issue the same; but in case a majority of the votes cast be in favor of the issuance of said bonds, the Mayor of the city shall subscribe to the

stock of said railroad company, the amount so voted; said stock to be paid in bonds, as provided for by this Act.

SEC. 5. *Be it further enacted*, That the corporate <sup>Tax.</sup> authorities of the city of Brownsville shall levy, annually an assessment upon all the taxable property within the limits of the corporation, sufficient to pay the annual interest on the bonds that may be issued under the provisions of this Act, and also to establish a sinking fund for the ultimate redemption of said bonds.

SEC. 6. *Be it further enacted*, That, a subscription in bonds made by the corporation of the city of Brownsville <sup>Other Sub's.</sup> to the Brownsville and Ohio Railroad Company, under the provisions of this Act, may be received in lieu of any other subscription heretofore made by said corporation to said railroad company; and that the provisions of the foregoing sections of this Act, shall apply to the towns of Troy and Union City, in Obion County, to the same extent as the same applies to the city of Brownsville.

SEC. 7. *Be it further enacted*, That the corporation of the town of Friendship, in Dyer County, be, and the same <sup>Town of Friendship.</sup> is hereby revived, and that the authorities of said corporation after being organized, shall have authority to make a corporation subscription to the Brownsville and Ohio Railroad Company, not exceeding twenty-five thousand dollars, to be paid in six annual payments, and to levy an annual assessment upon all the taxable property within the corporate limits of said town sufficient to meet said annual payments, *Provided* that no such subscription shall be made by said authority until an election is ordered and held, giving at least twenty day's notice, at which election all the legal voters of said town shall have the privilege of voting <sup>Newbern.</sup> for or against said subscription, and authorities shall be governed by the majority of the votes cast at such election; the provisions of this section shall also apply to the town of Newburn, in Dyer County.

SEC. 8. *Be it further enacted*, That the County Court of Haywood County is hereby authorized, upon application <sup>Haywood.</sup> of the President of the Brownsville and Ohio Railroad Company to order an election in said county to be held by the proper officers, for the purpose of ascertaining the sense of the voters of said county as to the issuance of county bonds in aid of the construction of said railroad, said election to be advertised at least twenty days in all the voting places in said county; and if a majority of all the votes cast shall be in favor of the issuance of said county bonds, then it shall be the duty of said Court to issue the same, but if <sup>Bonds.</sup> there should not be a majority of the votes cast in favor of

the issuance of said bonds, then said Court shall not issue them; the amount of said bonds not to exceed two hundred thousand dollars, and to run not exceeding twenty years bearing the rate of interest allowed by law at the place where said bonds are made payable.

Assessment.

SEC. 9. *Be it further enacted*, That the County Court of Haywood County is hereby authorized to levy an assessment on all the taxable property within the county sufficient to pay the interest on said bonds, also to establish a sinking fund for the ultimate redemption of said bonds.

New Counties

SEC. 10. *Be it further enacted*, That so much of this Act as applies to Haywood County shall equally apply to any new county that may hereafter be formed through which said road may run.

Mortgage.

SEC. 11. *Be it further enacted*, That the Brownsville and Ohio Railroad Company is hereby authorized to issue mortgage bonds upon their road bed and works running twenty years and bearing interest at a rate not exceeding the rate of interest where said bonds are made payable, for the purpose of ironing and equipping said road.

Dyer County  
Railroad  
Bonds.

SEC. 12. *Be it further enacted*, That the County Court of Dyer County is hereby authorized to raise a sum not exceeding four hundred thousand dollars, to be expended in Dyer County for railroad purposes, which sum shall be raised by the issue of bonds, to be called Dyer County Railroad Bonds, running not exceeding twenty years and bearing interest payable annually, at a rate not exceeding the legal interest of the place where said Bonds are made payable.

How divided,  
etc.

SEC. 13. *Be it further enacted*, That the bonds authorized to be issued by this Act may be divided *pro rata* according to the number of miles of railroad to be built within the limits of Dyer County, by each of said companies, between the Mississippi River Railroad Company and the Brownsville and Ohio Railroad Company; said bonds to be taken by said companies at par, and to issue to Dyer County, certificates of the stock of said railroad companies equal to the amount of bonds received by each company.

Delivery.

SEC. 14. *Be it further enacted*, That the amount of bonds awarded to each company under the provisions of this Act shall be delivered to said companies whenever either or both of them shall have been graded or given satisfactory evidence of their ability to grade such number of miles of the road bed of their respective roads, as the County Court may prescribe as the condition upon which said bonds may be issued.



SEC. 15. *Be it further enacted*, That the County of Dyer shall levy annually an assessment on all the taxable <sup>Taxes, etc.</sup> property within said county sufficient to pay the annual interest on the bonds that may be issued under the authority of this Act; and also to establish a sinking fund for the ultimate redemption of said bonds.

SEC. 16. *Be it further enacted*, That after the County Court of Dyer County, at a quarterly term or in quorum <sup>Election on issuing bonds.</sup> court, shall have agreed upon the amount, not exceeding four hundred thousand dollars proposed to be issued for railroad purposes, they shall cause the order so fixing the same, and also fixing the conditions of the issue said bonds, to be published in the newspaper of the county, for four consecutive weeks; and shall also order an election to be held at the usual places of voting in said county, after giving at least twenty days' notice, at which election all the legal votes of said county, shall have the privilege of voting for or against the issuance of said bonds; and unless a majority of all the votes cast at said election be in favor of the issuance of said railroad bonds, no authority shall be given under the provisions of this Act to issue the same; but, in case a majority of the votes cast be in favor of the issuance of said bonds, then the chairman or presiding justice of Dyer County Court, shall subscribe to the stock of each of said railroad companies according to the number of miles of railroad proposed to be built by each company within Dyer County, said subscription to be paid in bonds in the way and manner heretofore provided.

SEC. 17. *Be it further enacted*, That if a majority of the votes cast at said election be against the issue of bonds <sup>Second election.</sup> it shall be lawful for the county court of said county to order other elections for the same purpose, and in the same way, whenever the President and Boards of Directors of said railroad companies petition for the same.

SEC. 18. *Be it further enacted*, That stock which has been subscribed, or may hereafter be subscribed, by any county, city, or incorporation, to said railroad companies, may be payable in six annual payments; and it shall be lawful for county courts and the corporate authorities of any city or town, making such subscription, to issue *short* bonds bearing interest at the rate of six per cent. per annum, to said railroad companies, in anticipation of the collection of annual levies, if thereby the construction of the roads can be facilitated.

SEC. 19. *Be it further enacted*, That the provisions of <sup>Obion county.</sup> this Act which apply to Dyer County, shall also apply to Obion County.

SEC. 20. *Be it further enacted,* That nothing in the State aid, etc. Act or any Act to which this is amendatory shall be construed as to give any State aid to said road, and the said roads shall not discriminate against Tennessee freight or passengers; and that the Legislature hereby reserves right to enforce the foregoing provisions of this Act by necessary legislation.

SEC. 21. *Be it further enacted,* That the Mayor and City Council of Nashville be authorized to issue coupon bonds of the city, to be signed by the Mayor and Recorder, to the amount of five hundred thousand dollars, bearing from five to twenty years to run to maturity, as may be agreed upon, bearing interest at the rate of six per cent. per annum, payable semi-annually at such place may be by them designated; said bonds, or any part of them received, to be used in liquidating the already contracted indebtedness of the city, at par, and for no other purpose.

SEC. 22. *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate*

Passed February 8, 1870.

## CHAPTER LVI.

AN ACT to Amend An Act entitled "An Act to Incorporate the Knoxville Bridge Company," which was passed December 14th, 1865, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Alvin Barton, John W. Crum, Jacob Doyle, John Jones, Sr., E. E. McCrosky and Matthew Nelson, all of Knox county, be and they are hereby constituted the Board of Commissioners, any three or more of whom, may open books of subscription, and manage all the affairs of said company, until organized; and the capital stock of said company shall be made up of shares of

hundred dollars each; and five directors shall be elected when said company is organized.

SEC. 2. *Be it further enacted*, That said company shall begin the construction of said bridge within two years, and complete it within five years from and after the passage of this Act; in which event this amendatory Act, and said original Act of December 14th, 1865, except so far as the same is hereby amended, shall be, and continue in full force; but in case of failure to commence and complete as herein provided, this and said original Act shall be void.

SEC. 3. *Be it further enacted*, That the corporate authorities of the City of Knoxville, and the County Courts of Blount and Sevier Counties, respectively, may take stock in said company in behalf of said city and of said counties respectively; and said cities and counties, any one or more of them, as the case may be, shall become stockholders to the extent of the stock so taken for them respectively, and shall be subject to the same liabilities and entitled to the same rights and privileges as other stockholders.

SEC. 4. *Be it further enacted*, That the "Tennessee Annual Conference of the Methodist Episcopal Church, South," be and the same is hereby incorporated, and by that name may sue and be sued, plead and be impleaded; and may take and hold property real, personal and mixed; and all conveyances, devises, legacies, and all other donations of every kind and description, to the said corporation, shall be good and valid although said corporation may not be correctly described; *Provided*, enough appears aided by extrinsic proof, written or parole, to show that said corporation is the intended grantee or donee.

SEC. 5. *Be it further enacted*, That the affairs of said corporation may be managed by the said Tennessee Annual Conference, or any five persons said conference may elect or appoint; said persons to be elected or appointed annually by said Conference, and shall continue in office until their successors are elected or appointed and enter upon the duties of the office, one of whom shall be by said five persons elected President of their body; and they may elect such other officers as they may think proper and necessary for the management of the affairs of said corporation.

SEC. 6. *Be it further enacted*, That the property which said corporation is authorized to take and hold, shall be applied to such purposes as the grantor or donor may designate; and if no particular purpose is designated, then

Same.

to such religious, charitable, literary, or missionary purposes as said Conference may designate, consistent with the provisions of this Act of incorporation, and the laws of the land; and in the event the purpose which a grantor or donor may designate cannot, for any cause, be carried into effect, then said Conference may apply the subject matter of such conveyance or gift to any of the general purposes above designated.

SEC. 7. *Be it further enacted*, That said corporation may hold property of any kind in trust for such religious, charitable, literary, or missionary purposes as the grantor or donor may designate, not inconsistent with the laws of the land.

Power of Directors, etc.

SEC. 8. *Be it further enacted*, That said corporation or the five Directors which said Conference may elect or appoint, shall have power to elect or appoint a Treasurer of said corporation, either one of their own body or any other person, who shall hold his office for such time as said Conference or said Directors may designate, and shall give bond and security for the faithful performance of his duties, in such penalty as said Conference or Directors may deem just and proper.

Quorum, powers, etc.

SEC. 9. *Be it further enacted*, That a majority of the Directors authorized to be elected or appointed by said Conference, shall constitute a quorum to do business, and may prescribe such duties for the officers thereof, and adopt such rules for the government of their body, as they think right and proper; and said corporation may sell and convey by the usual modes of conveyance, any property they may take or hold in furtherance of the objects and purposes above mentioned; and said corporation shall possess and exercise all the rights and powers necessary and proper for effectually carrying out said objects and purposes.

Maxwell Insurance Co'y.

SEC. 10. *Be it further enacted*, That the Maxwell Insurance Company of Tennessee is hereby incorporated, with John Overton, John M. Lea, Mike Burns, and such others as may be associated with them, as incorporators, with the same restrictions as are imposed, and privileges granted the Nashville Commercial Insurance Company.

Mosheim Male and Female Institute

SEC. 11. *Be it further enacted*, That D. R. Gass, D. K. Self, Ebenezer Brown, Thomas Russell, William A. Kidwell, L. A. Rader, and Arthur Edwards, and their successors in office, as Trustees, be, and they are hereby, constituted a body politic and corporate, under the name

and style of "Mosheim Male and Female Institute," located in Blue Springs, Greene County, Tennessee, with capacity to make and use a common seal; sue and be sued, plead and be impleaded in any Court of law or equity in this State; to buy, receive by gift or devise, hold, sell, or dispose of real or personal property, as they may deem best for said Institute, and enjoy all the immunities and privileges which are granted by the Code of Tennessee for institutions of learning for ninety-nine years.

SEC. 12. *Be it further enacted*, That said Trustees and their successors in office, shall have the privilege of opening books to receive subscriptions as stock for the use of said Institution, and that five dollars (\$5.00) shall constitute a share, and any sum less than five dollars (\$5.00) shall not be computed as stock. Subscriptions.

SEC. 13. *Be it further enacted*, That each person who gives, or may hereafter contribute to the erection, support, and maintenance of said Institute, by giving to the same, land, labor, money, or other donations to the amount of five dollars, (\$5.00), provided they wish so to do, shall be entitled to vote for Trustees of said Institute. Each stockholder shall be entitled to as many votes as he may hold shares of five dollars each in said stock. Contributions.

SEC. 14. *Be it further enacted*, That the Trustees of said Institute shall be elected annually by the stockholders, and they shall organize themselves into a Board by taking an oath to perform the duties of Trustees under this charter, and by electing a President and Secretary from their own body. A majority of said Board shall constitute a quorum to do business. Such Board shall have power to fill such vacancies as may occur during the time for which they were elected. They shall meet from time to time, upon their own adjournments, and as often as the President may summons them to meet, or the Secretary in his absence. They and their successors in office shall have power to select or elect, whenever a majority of them may think proper, a President for said Institution, and such Professor or Professors, Tutor or Tutors, as they may deem necessary for the same; and those when elected shall constitute a Faculty for the education and government of the pupils of said Institute. Election of Trustees.

SEC. 15. *Be it further enacted*, That the Trustees of said Institute, and their successors in office, in conjunction with the Faculty, shall have full power and authority to make all ordinances and by-laws for the government of the same, which they may deem expedient for carrying the design of the Institute into effect; and they shall have Meetings, officers, etc. Powers and privileges.

the power to expel any student from said Institute for gross immoral conduct, and to preserve order upon all public days designated by them for exhibitions and examination; and they shall have power and authority to grant and confer all such literary degrees and honors as are usual in any similar Institutes, and to give suitable diplomas under the signatures of the Faculty and a majority of the Trustees.

Legalized.

SEC. 16. *Be it further enacted*, That all the actings and doings of the Board of Trustees, appointed by this Act, so far as their acts have been for the promotion and benefit of said Institute—the acquisition of property, etc.—be, and the same are declared legal.

Number of Trustees.

SEC. 17. *Be it further enacted*, That the stockholders of said Institute shall have power, from time to time, to increase the number of Trustees as they may deem expedient, and that any stockholder shall be eligible to the office of Trustee.

Taxes.

SEC. 18. *Be it further enacted*, That all property belonging to said Institute be, and the same is hereby, exempt from taxation; and that this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 8, 1870.

## CHAPTER LVII.

AN ACT to Amend the Charter and Extend the Limits of the Corporation of the Town of Covington, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens in the town of Covington, in Tipton County, Tennessee, are hereby incorporated by the name of the Mayor and Aldermen of Covington; and by that name, may sue and be sued; plead and be impleaded; contract and be contracted with; hold

real and personal property; assess taxes, and collect the Powers and same; to improve the streets and public squares; and pass privileges. all ordinances necessary for the benefit and good order of the town.

SEC. 2. *Be it further enacted*, That the boundary line of said corporation shall be as follows: Beginning at a Boundary sweet gum, the south-west corner of the J. C. McLemore's line. 436 acre entry, being the south-west corner of the Cemetery lot; thence north along the west boundary line of said tract, and the street passing the Male Academy; in all, about 274 poles, to a point due west from the present north-west corner of said corporation, as heretofore extended; thence east about sixty-seven poles to said corner, and along the north boundary of said corporation, as established; in all, about 230 poles to the present north-east corner; thence south, with the east line of said corporation, at 163 poles, passing the south-east corner; in all, 264 poles, to a stake in the north line of the H. Hadley 640 acre survey; being the south line of the T. Rodes tract; thence west along said line 144 poles, to the north-west corner of W. A. Clead's  $1\frac{1}{2}$  acre lot; thence south ten poles, to the south-west corner of the same; thence west with the south side of Fisher's Avenue, or south line of said McLemore tract, 86 poles, to the beginning.

SEC. 3. *Be it further enacted*, That there shall be Election for elected, by the qualified voters of said town, a Mayor, six town officers. aldermen, and a Constable, who shall hold their offices for twelve months, and until their successors are elected; and it shall be the duty of the Sheriff of said county, to advertise and hold the first election on the first Saturday in March next; and after the first election, the Town Constable shall hold the election; provided for under this Act; he having given bond and security in such sum as may be fixed by the Board of Mayor and Aldermen, for the faithful performance of his duty.

SEC. 4. *Be it further enacted*, That the Mayor and Powers of Aldermen of the town of Covington, shall have power, by Mayor and ordinance in said corporation, to levy and collect taxes Aldermen. upon all property taxable by law, for State and county purposes; to appropriate money and provide for the debts and expenses of the town; to prevent and remove nuisances; to open, alter, abolish, widen, extend, grade, establish, improve, preserve and keep in good repair, the streets and sidewalks; to establish, patrols and watches; to regulate and suppress all disorderly houses, and houses of ill-fame; and to provide for the arrest and confinement until trial, of all vagrants, rioters or disorderly persons,

within the limits of the town ; to impose fines, forfeitures and penalties for the breach of any ordinance or by-law ; and to provide for their recovery.

To work out  
fines, etc.

SEC. 5. *Be it further enacted*, That in all cases where any person violating any by-law or ordinance of said corporation fails or refuses to pay or secure any fine or cost that may be adjudged against him or them, shall be made to work on the streets or any other work, under the supervision of the Mayor or Aldermen, not exceeding ten hours each day, Sunday excepted ; and for such work shall be allowed one dollar per day and board, until such fine and cost are paid, which work shall be superintended by the Town Constable of said town.

SEC. 6. *Be it further enacted*, That the Mayor shall act as the President of the Board of Aldermen, and in his absence, the Aldermen shall choose one of their number to act as President, *pro tem*.

SEC. 7. *Be it further enacted*, That no person shall be elected or qualified as Mayor or Alderman, who is not a *bona fide* resident of the town at the time of the election.

SEC. 8. *Be it further enacted*, That the Board of Mayor and Aldermen shall, immediately after being qualified, proceed to elect a Recorder of their number, who shall be the Treasurer, and such Treasurer shall give bond with good and sufficient security in the sum of ——— dollars, payable to the Board of Aldermen and their successors in office, conditioned upon the faithful and lawful discharge of the duties of his office, said bond to be filed with the Clerk of the County Court.

Jurisdiction. SEC. 9. *Be it further enacted*, That the Mayor of the town of Covington shall be, and he is hereby invested with concurrent jurisdiction with Justices of the Peace in all cases of violation of the criminal laws of the State, or of the ordinances of the Mayor and Aldermen of the town of Covington, within the limits of said corporation.

Mayor to sign  
laws, etc.

SEC. 10. *Be it further enacted*, That every law or ordinance passed by the Board of Aldermen shall, before it goes into effect, receive the approval and signature of the Mayor ; and if he disapprove any law or ordinance passed by the Board of Aldermen, he shall return the same with his objections, in writing, to the next meeting of the board ; and no law or ordinance vetoed by the Mayor shall go into effect, unless the same shall again be passed by two-thirds of the Aldermen elected.

SEC. 11. *Be it further enacted*, That the Town Constable shall have full power and authority to collect all fines, forfeitures and costs which may be imposed upon any



person or persons, for any violation of the by-laws and Town Constable. ordinances of said corporation, and shall have the same power and authority in collection of the same any where in the county of Tipton, as are now enjoyed by any of the civil officers of said county; he shall also collect all taxes that may be assessed by the Board, and he shall give his official receipt for all such taxes to the tax payers, and shall have the same right to collect by process of law as are now allowed collectors of County and State tax, and shall be governed by the same laws governing such tax collectors; and he shall pay all such public moneys, when collected, to the Treasurer of the Board, and take his receipt Money. for the same; he shall have full power and authority to arrest any person or persons charged with a violation of the by-laws of said corporation, any where in the county of Tipton, and bring them before the Mayor to answer the penalties imposed by the Board of Mayor and Aldermen of said town, for the violation of their by-laws; he shall also perform such other duties as may be provided by ordinance.

SEC. 12. *Be it further enacted*, That any person who shall be a qualified voter residing out of the limits of said corporation, who shall be a *bona fide* owner of any real estate within the limits of said corporation, shall be allowed to vote in all elections for Mayor and Aldermen for said town.

Voting.

SEC. 13. *Be it further enacted*, That all laws and parts of laws heretofore passed inconsistent with the provisions of this Act, are hereby repealed.

SEC. 14. *Be it further enacted*, That the formation of a company for the purpose of constructing a railroad from the city of Brownsville, in the State of Tennessee, to the town of Holly Springs, in the State of Mississippi, is hereby authorized, which, when formed, shall be a body politic and corporate, by the name and style of the "Brownsville and Holly Springs Railroad Company," and by such corporate name, may sue and be sued in all courts of law and equity, may have and use a common seal, and exercise all the powers granted to railroads by the general internal improvement laws of the State.

Brownsville  
and Holly  
Springs R. R.  
Co.

SEC. 15. *Be it further enacted*, That the capital stock of the Brownsville and Holly Springs Railroad Company shall be one million dollars, divided in shares of twenty-five dollars each, and that A. H. Bradford, W. W. Vaughn, W. H. Foster, J. L. Pulliam, E. H. Stegar and Joseph A. Hill, be appointed Commissioners to open books for the subscription of stock in said road, at such Capital stock

Proviso.

times and places as a majority of said Commissioners may direct, after having given such notice as they may deem proper, and to keep the same open until at least fifty thousand dollars are subscribed; *Provided*, that any subscription tendered at any time and place other than those advertised, may be received by said Commissioners, or any one of them, and shall be as valid against the parties subscribing, as if received at the time and place advertised.

Organization.

SEC. 16. *Be it further enacted*, That when two thousand dollars of stock are subscribed in the said railroad company, the same may be permanently organized by giving ten days' notice to the stockholders, of the time and place of meeting; at which meeting there shall be elected by the stockholders, seven Directors, one of whom shall be President.

Rights and privileges.

SEC. 17. *Be it further enacted*, That after said organization, the Brownsville and Holly Springs Railroad Company shall be governed by the same rules, and possess and enjoy the same rights, privileges and franchises, in the construction of its main line of road and such branches as its Directors may deem expedient to build, that are secured to the Brownsville and Ohio Railroad Company, by its original charter, granted by the General Assembly of the State of Tennessee, February 15, 1869, and by the Acts of the General Assembly amendatory thereof, so far as the same are applicable; and the County of Haywood and the City of Brownsville shall have the same authority to subscribe stock or grant aid to the Brownsville and Holly Springs Railroad Company, that they may have to take stock in or grant aid to the Brownsville and Ohio Railroad Company; and the same provisions of law, so far as they are applicable to the Brownsville and Holly Springs Railroad Company, shall extend to the County of Fayette and to the town of Somerville.

Town of Moscow.

SEC. 18. *Be it further enacted*, That the corporate authorities of the town of Moscow, in Fayette County, are hereby authorized to subscribe stock in the Brownsville and Holly Springs Railroad Company, in the same way and to the same extent, that the corporate authorities of the town of Friendship, in Dyer County, are authorized to subscribe stock in the Brownsville and Ohio Railroad Company.

SEC. 19. *Be it further enacted*, That the Brownsville and Ohio Railroad Company, and the Brownsville and Holly Springs Railroad Company, after it has been organized, may at any time they may deem proper, by a majority

vote of the stockholders of each company, consolidate and form one company, to be known, when so formed, as <sup>May consoli-</sup> the "Holly Springs, Brownsville and Ohio Railroad Com-<sup>date.</sup>pany," and be governed by the same rules, and possess and enjoy the same rights, privileges and franchises, as are secured by law to the two companies separately; *Provided*, that such consolidated company may have thirteen Directors, one of whom shall be President.

SEC. 20. *Be it further enacted*, That nothing in this Act <sup>State aid.</sup> shall be so construed as to grant any State aid to any railroad whatever.

SEC. 21. *Be it further enacted*, That J. G. Gooch, R. H. D. Maxidon, James Mitchell, John Randolph, John Ham, <sup>McNairy Co.</sup> John Reeder, James Warren, Calvin Shull, John Kirby, <sup>Agr. and Me-</sup> N. F. Cherry, David McKenzie, Allen Sawain, H. B. <sup>chanical Soc'y</sup> Wade, David Ham, Jacob Lawrence and J. W. Roach, and their associates and successors be, and they are hereby constituted a body corporate and politic, by the name and style of the "McNairy County Agricultural and Mechanical Society;" and by that name shall have succession for ninety-nine years, to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of this State; purchase and hold real and personal property; may <sup>Powers and</sup> have and use a common seal, and may alter the same at <sup>privileges.</sup> pleasure; to make and establish rules and regulations and by-laws, for the government of said company.

SEC. 22. *Be it further enacted*, That said company shall have all the powers, privileges, rights and immunities conferred upon and granted to the Sumner County Agricultural and Mechanical Association of Gallatin, by An Act passed February 14, 1868.

SEC. 23. *Be it further enacted*, That A. O. Williams, Samuel Yokely, J. H. Cooke and James Howard, their associates, successors and assigns, be, and they are hereby <sup>Marcella</sup> incorporated a body corporate and politic, under the name <sup>Falls Man'g</sup> and style of the "Marcella Falls Manufacturing Compa-<sup>Co.</sup>ny;" and by said name may sue and be sued, plead and be impleaded, answer and be answered to, in any court of law or equity in the State of Tennessee; may have and use a common seal; alter or abolish the same at pleasure; and that said corporation may have succession for a term of ninety-nine years.

SEC. 24. *Be it further enacted*, That said company may <sup>Capital stock.</sup> have a capital stock of fifteen thousand dollars, with the privilege hereby granted, of increasing the same to fifty

thousand dollars, if necessary; and that said company may, under and by virtue of this charter, proceed to elect such officers as they may deem necessary, and to frame such by-laws as they may deem necessary for their government; *Provided*, the same are not inconsistent with the Constitution of the State of Tennessee and of the United States.

**Privileges and purposes.** SEC. 25. *Be it further enacted*, That said company may have the privilege of manufacturing any and all articles from wool, cotton, wood, iron and other material; or constructing all articles of manufacture, in this State; to transport, sell or dispose of the same, as they may deem best, and most to the interest of said company; and they are hereby empowered to purchase and hold all real-estate, water privileges, goods, chattels and effects of any kind, whatever, to carry into effect the objects of this incorporation.

**Same.** SEC. 26. *Be it further enacted*, That said company shall have all the rights and privileges usually granted such corporations; and shall also be subject to such general laws as may be passed for the government of corporations.

**Tennessee and Ky. Agr , etc., Society.** SEC. 27. *Be it further enacted*, That G. B. Raney, A Cross, J. N. Lanum, S. W. Sharp, J. W. Phelps, H. T. Johnson, their associates and successors, are hereby made a corporation, by the name of the "Tennessee and Kentucky Agricultural, Mechanical and Horticultural Society," for the encouragement of agriculture and mechanic arts, by premiums and such other means as said corporation may deem expedient.

**How managed.** SEC. 28. *Be it further enacted*, That the affairs of said corporation shall be managed by the board of directors herein named, and their successors, who may choose a President and such other agents as they may appoint.

**Powers and privileges.** SEC. 29. *Be it further enacted*, That said corporation shall have power to do and perform in said corporate name, all such acts and things as bodies corporate may lawfully do for the purposes aforesaid; and shall exist for the term of thirty years, and hold, own and manage, real and personal estate, to an amount sufficient to effect the purposes of said association, which shall be free from taxation by the State and county.

**Fairs, etc.** SEC. 30. *Be it further enacted*, That said corporation shall have power to hold, manage and control fairs and exhibitions, and offer such premiums, and at such times and places, as said corporation may deem necessary for the encouragement or improvement of agriculture and manufactures.

SEC. 31. *Be it further enacted*, That the domicil of said corporation shall be in or near the town of Humbolt, in the State of Tennessee, where its business shall be conducted. Domicil.

SEC. 32. *Be it further enacted*, That said corporation may make its own by-laws, for the government of the same, not inconsistent with the Constitutions of the State, and of the United States; provide for the election of officers, and the length of time for holding the offices; and do all things necessary for accomplishing the objects of this Act. By-laws, etc.

SEC. 33. *Be it further enacted*, That G. B. Black, J. T. Cowen, R. P. Caldwell, W. T. Grigsby, L. P. McMurray, W. M. Hall, and their associates, successors and assigns, are hereby created a body corporate, and politic, in the name of the "Gibson County Agricultural, Mechanical and Blooded Stock Association;" and by that name shall have succession for ninety-nine years; and shall have power to have and own real estate and personal property, necessary to the successful execution of this charter; shall have power to have and use a common seal; to alter the same at will; to sue and be sued, plead and be impleaded in all the courts in this State; and shall have power to appoint such police during the exhibition of stock, texture or material, and the carrying on of fairs generally, as they may deem necessary; and shall have power to enforce collections before any justice of the peace in the county, of such fines as they may deem needful for the preservation of order; may offer such premiums and rewards as they may deem necessary for the encouragement of agriculture and the mechanic arts, and the growth of blooded stock, as they may deem necessary; and may charge such rates of admission as they may deem prudent; and do all other acts as may be deemed needful for the successful carrying into effect the provisions of this charter, not inconsistent with the laws and Constitution of this State, and of the United States. Gibson county Agr., etc., Association.  
  
Powers and privileges

SEC. 34. *Be it further enacted*, That W. M. Willhoite, G. R. Hambright, Rev. S. H. Henry, Rev. A. R. T. Hambright, B. A. Davis, H. W. Smith, W. B. Cowan, James L. Jones, W. H. Howard, Wm. Michael, Gabriel DeFord, Robert Detzell, John Anderson, J. H. Huff, and P. W. Norwood, and their successors in office, as Trustees, be, and they are hereby, incorporated under the name and style of "Flint Spring Male and Female Academy," in the Flint Spring Male and Female Acad'm.

Powers of B'd  
of Trustees.

Same.

Literary de-  
grees, etc.

Town of Col-  
liersville, etc.

County of Bradley, and by that name may sue and be sued, plead and be impleaded in any of the courts of law and equity; contract and be contracted with; pass all laws and ordinances necessary for the proper control and government of said institution; to employ Instructors, Superintendents, Agents, and have a common seal. Said Institution shall be governed by Trustees, who, and their successors in office, shall constitute a body politic and corporate by the name aforesaid. The number of seven of the Trustees shall constitute a quorum for the transaction of any business pertaining to the institution according to law; any vacancy that may occur in their body, shall be filled by the Board at such times and upon such terms as they may hereafter prescribe in their by-laws and ordinances. They may elect from their own body a President, Secretary, and Treasurer, as well as such other officers as they may think necessary, who shall hold their office for a period of one year, and until the election and qualification of their successors. The Trustees of said Academy shall have the right to appoint one of their number to call upon and receive from the Free Common School Commissioners or Directors, or the County Superintendent, or such person or persons as may by law be authorized to pay out the Free School funds, the *pro rata* due to any such children as may be entitled to the same, and desire to have it exhausted for their benefit in said Academy.

SEC. 35. *Be it further enacted*, That the Board of Trustees, and their successors in office, shall have power and authority to grant and confer all such literary degrees and honors as are usual in any similar Institutions in the United States, and to the female students suitable diplomas under the signatures of the Faculty and five of the Board of Trustees, which diplomas shall entitle the possessor to the same immunities and privileges allowed by usages and statute to the possessor of diplomas from any similar Institution; *Provided* that this section be subject to Legislative control.

SEC. 36. *Be it further enacted*, That no person shall be allowed to make or sell any spirituous liquors within two miles of the Flint Spring Male and Female Academy.

SEC. 37. *Be it further enacted*, That the inhabitants of the town of Colliersville, in the County of Shelby, are hereby constituted a corporation and body politic, by the name and style of the Mayor and Aldermen of the Town of Colliersville, and in that name shall have succession for thirty years; may sue and be sued, plead and be impleaded

in all the Courts of law and equity in this State; may purchase, receive, and hold property, real, personal and mixed, within or without the limits of said town, and shall have the right to sell, lease and dispose of the same for the benefit of said town; to lay off streets, and make such contracts in relation to railroad depots, promenades, etc., as they may deem for the interest of the inhabitants thereof. They may have and use a common seal, and change the same at pleasure. Privileges.

SEC. 38. *Be it further enacted*, That the officers of said town shall consist of a Mayor, Board of Aldermen—five in number—a majority of whom shall constitute a quorum to do business—a Recorder, a Treasurer, Town Constable, and such other officers as may be provided for by the laws and ordinances of said town, to be passed by the Board of Aldermen and signed by the Mayor and Recorder. Officers.

SEC. 39. *Be it further enacted*, That the Mayor and Aldermen, Recorder, Treasurer and Town-constable, shall be elected by the qualified voters of said town on the 1st Saturday in April, 1870, and shall hold their offices for one year and until their successors are elected and qualified. Elections.

SEC. 40. *Be it further enacted*, That the Mayor and Aldermen shall fix the amount of the bonds to be executed by the Treasurer, Recorder and Town-constable, for the faithful execution of their respective duties, copies of which shall be filed with the County Court Clerk of Shelby County and upon breach of the conditions of any of their bonds, the penalties thereof shall be recoverable by suit in any Court in Shelby County having jurisdiction of the amount claimed because of said breach of conditions as aforesaid. Bonds of officers.

SEC. 41. *Be it further enacted*, That the Recorder of said town shall have criminal jurisdiction to the same extent that is now, or may hereafter be conferred upon Justices of the Peace in this State by the laws and Constitution of the same. Jurisdiction.

SEC. 42. *Be it further enacted*, That the Mayor and Board of Aldermen shall have power to fix the rate of taxation for corporation purposes, and to specify the person or officer to assess the same, and the collection of the same in the same manner that State and County taxes are collected now or may hereafter be collected by law. Rate of tax.

SEC. 43. *Be it further enacted*, That the corporate limits of said town shall be laid off by some competent person selected by the Mayor and Aldermen, and shall be one

mile square, taking the Public Square near the railroad depot for the center.

**SEC. 44.** *Be it further enacted,* That Archibald Wright, R. C. Brinkley, J. D. Meredith, F. A. Ramsey, J. J. Williams, J. R. Graves, George Gautt, R. F. Looney, and their associates and successors in office, be, and they are hereby constituted a body corporate and politic under the name and style of the "Brinkley Female College," with all the rights, powers and privileges conferred upon the Mount Pleasant Female Academy and Bois De Arc Seminary by Act passed by the General Assembly, February 3, 1858.

**SEC. 45.** *Be it further enacted,* That "Madison Presbytery of the Cumberland Presbyterian Church," in West Tennessee, be, and they are hereby constituted a body corporate and politic, by the name and style of "Madison Presbytery of the Cumberland Presbyterian Church," with power by that name, to sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of suits and actions; and generally to do and perform all other acts and things which bodies corporate may lawfully do and perform.

**SEC. 46.** *Be it further enacted,* That the corporation shall have power to receive by gift, donation or purchase, and hold, personal and real property, to sell, exchange, mortgage, or otherwise dispose of the same, as in their judgment may best subserve the interests of Madison Presbytery.

**SEC. 47.** *Be it further enacted,* That Madison Presbytery shall have full power to make all by-laws and regulations necessary for their own government; to choose their own officers in such manner as the Presbytery may prescribe; to prescribe the mode in which their successors shall be chosen; to fill vacancies, and to do such other acts and things necessary and proper, to carry out the objects of this corporation.

**SEC. 48.** *Be it further enacted,* That Benj. G. McLeskey, Joseph Pope, W. M. Dunnaway, J. M. Buchanan and James Toon, a committee appointed at the last meeting of the Madison Presbytery, be, and the same are hereby constituted a Financial Board for said Presbytery, to receive any donation that may have been or may be given to Madison Presbytery; to use, manage and dispose of such donations, in accordance with instruction and authority given said committee by said Presbytery.

**SEC. 49.** *Be it further enacted,* That Madison Presby-



ery may have power at any time to appoint a new Finan- Genl. powers.  
 ial Board; to fill vacancies in the same, and invest said  
 Board, or a majority of them, with authority to sell and  
 dispose of any property belonging to Madison Presbytery,  
 and make title to or receive title for property for the use  
 and benefit of Madison Presbytery.

SEC. 50. *Be it further enacted*, That Leander Webb,  
 Joseph Roberts, Henry Fisher, Henry Roberts, James <sup>The Sons of</sup>  
 Redman, Sterling Campbell, Beverly Carson, Solomon <sup>Union Benev.</sup>  
 Gupton, Willis Weed, Jesse Edwards, Abraham Warrell <sup>Society.</sup>  
 and George Boing, their associates, successors and assigns,  
 shall be, and are hereby constituted a body corporate and  
 politic, under the name and style of "The Sons of Union  
 Benevolent Society," with the power, by that name, to sue  
 and be sued, plead and be impleaded, answer and be an-  
 swered unto, in all courts, in all kinds of suits and actions,  
 and generally to do and perform all other acts and things  
 which bodies corporate lawfully do for the special pur-  
 poses hereinafter named.

SEC. 51. *Be it further enacted*, That said society shall  
 afford relief and assistance to its members, and of the  
 needy of their race, in the County of Montgomery, in  
 cases of sickness, death, or disability to work; and also <sup>Purposes, etc.</sup>  
 for providing for the support of the needy widows and  
 orphans of their race in said County of Montgomery, and  
 also for the burial of the dead, and other acts of humanity,  
 benevolence and charity, to their race, in said County of  
 Montgomery.

SEC. 52. *Be it further enacted*, That said corporation  
 shall have power to receive by gift, grant, donation or  
 purchase, and hold, personal and real property; to sell, ex- <sup>Powers and</sup>  
 change, mortgage, or otherwise dispose of the same, as in <sup>privileges.</sup>  
 their judgment may best subserve the interest of said cor-  
 poration, under and by virtue of the powers herein  
 granted. Said corporators shall have power to organize,  
 by the election, of a President, Vice-President, Secretary,  
 and such other officers as they may determine; to fill va-  
 cancies in their body, occasioned by death, resignation,  
 removal or otherwise; to make such by-laws, rules and  
 regulations, for the government of said Society, as they  
 may see proper, not inconsistent with the Constitution and  
 laws of the United States and of this State; and which in  
 no wise extends the powers and limitation of this Act of  
 incorporation.

SEC. 53. *Be it further enacted*, That the said society  
 shall, by the name and style above set forth, have succes- <sup>Same.</sup>

sion for thirty-three years; may have a common seal, and the same to make, break, alter or change at pleasure.

Nash. & Cin.  
R. R. Co. SEC. 54. *Be it further enacted*, That the President and Directors of the Nashville & Cincinnati Railroad Company may extend the said road from Lebanon, Tennessee to the southern boundary of the State, in the direction of New Orleans or Decatur, with power to make such contracts and connections with other railroad companies as may be deemed advisable, to accomplish the object of such extension.

Extension. SEC. 55. *Be it further enacted*, That all the powers, privileges and restrictions in the charter of said road, with the various amendments to the same, as are now in force, shall apply to the extension of said road herein and hereby authorized. The general laws and the provisions of said charter in relation to county and town subscriptions of stock, shall apply to the counties and towns through or near which the said road may run.

Appointment  
of Agents. SEC. 56. *Be it further enacted*, That that the Board of Directors shall have power to appoint commissioners to obtain stock on the line of said road, and to appoint all such agents, and obtain such surveys, and make all such contracts as may be necessary to carry out the objects of this amendment; and that nothing in this Act shall be so construed as to grant any State aid.

Shelbyv. and  
Fishing Ford  
Turnpike Co. SEC. 57. *Be it further enacted*, That William S. Jett, R. B. Wilhoite, Lewis Tillman, Sr., Thomas Thompson, Prior Trail, Wm. A. Allen, Richard H. Sims, and their associates, are hereby constituted a body politic and corporate, under the name and style of the "Shelbyville & Fishing Ford Turnpike Company," and in that name may sue and be sued, plead and be impleaded, and have succession for ninety-nine years, with power and for the purposes of building a turnpike road from the town of Shelbyville, in Bedford County, to the Fishing Ford, on Duck River, in Marshall County.

Books. SEC. 58. *Be it further enacted*, That they shall have the power and authority to open books for subscription of stock at such times and places as they may choose, for the purpose of obtaining stock to aid in building of said road, each share to be twenty-five dollars.

Organisat'n. SEC. 59. *Be it further enacted*, That as soon as ten thousand dollars shall be subscribed, any three of said Directors, as aforesaid, may call a meeting of the stockholders, at the court house, in the town of Shelbyville; and at

said meeting, the stockholders shall proceed to elect five directors, for two years, who may, when elected, choose a President out of their number, and such other officers as they may deem necessary.

SEC. 60. *Be it further enacted*, That said directors, when elected, may solicit additional subscriptions for stock in said turnpike; and they may, by themselves, or by some competent person by them appointed, lay off, locate and make said turnpike road. Stock, etc.

SEC. 61. *Be it further enacted*, That the President and Directors shall have power to put under contract said road, or any portion of it, and shall have power and authority to make all necessary contracts. Contracts.

SEC. 62. *Be it further enacted*, That said board of President and Directors shall cause said road to be graded at least eighteen feet wide, with ditches on either side, when necessary, and graveled or McAdamized; and the gravel or stone on the surface of said road shall not weigh more than one pound, and they shall make good and substantial bridges, or culverts across all water courses which it may cross. Width of grade, etc.

SEC. 63. *Be it further enacted*, That a majority of said directors shall constitute a quorum, with authority to transact business, and a majority of the stockholders in interest shall constitute a quorum for the election of the first directors, and the transaction of all business necessary to be transacted at said first meeting. Quorum.

SEC. 64. *Be it further enacted*, That in all elections by the stockholders, the stockholders shall be entitled to one vote for each share of stock which they may own. Voting.

SEC. 65. *Be it further enacted*, That whenever five miles of said road shall have been completed, said Directors shall have power and authority to put up one gate on said road, at such point as they may select, provided it shall not be within less than one mile and a half of the town of Shelbyville; and they shall be allowed to fix the rates and charges as follows: For one person on horseback, five cents; vehicles with one horse, ten cents; two horse vehicles, fifteen cents; four horse wagon, twenty-five cents; six horse wagon, thirty cents; loose horses or cattle, per head, two and one half cents; sheep, hogs and other stock, per head, one cent; which rates shall not be increased, but may be reduced by the Board of Directors. Gate, rates of toll, etc.

SEC. 66. *Be it further enacted*, That the right of way to build said road may be obtained in the same way and under the same regulations that the right of way is obtained for the Nashville and Chattanooga Railroad, should Right of way.

**Right of way.** it be necessary; and if application for damages for right of way is not made in one year after the completion of that part of the road, the claim shall be regarded as abandoned, and said company shall not be liable for the same.

**SEC. 67.** *Be it further enacted,* That said company shall after the completion of said turnpike road, keep the same in good repair, and free from any and all obstructions of any kind whatever.

**Poplar Grove.** **SEC. 68.** *Be it further enacted,* That the inhabitants of the town of Poplar Grove, in the County of Gibson, are hereby established a corporation and body politic, by the name and style of the "Mayor and Aldermen of the Town of Poplar Grove," and by that name and style, may have all the incorporate privileges given to the town of Covington, in Tipton County.

**Boundaries.** **SEC. 69.** *Be it further enacted,* That the limits and boundaries shall be fixed by the citizens of said Town of Poplar Grove, but the house and lands of no citizen shall be embraced within said incorporated town without his or her consent.

**Chattanooga and Rossville Turnpike Co.** **SEC. 70.** *Be it further enacted,* That John L. Di vine, Richard L. Watkins, P. D. Sims, J. W. James, James Lee, Joseph Hall, John Davis and their associates successors and assigns, be, and are hereby constituted a body corporate and politic under the name and style of the "Chattanooga and Rossville Turnpike Company," and by that name shall have succession for ninety-nine years, may sue and be sued, plead and be implead in any of the courts of this State.

**Route, grades etc.** **SEC. 71.** *Be it further enacted,* That said company shall have power to appoint Commissioners to lay off and designate a route for a turnpike road, (which shall be the most direct practicable,) commencing at such point on the corporate limits of Chattanooga as they may select thence of the uniform width of fifty feet to Rossville, and construct, erect and build a turnpike road thereon; the grade not to exceed, at any point, one foot in twenty-five and to be paved the width of sixteen feet, with stone or gravel, or other hard substances.

**Lands.** **SEC. 72.** *Be it further enacted,* That said company shall have power to acquire, by purchase such additional lands as the successful management of said road may require, such as toll-keepers' houses, and for the safe keeping of such material as may be used in the construction of said road.

SEC. 73. *Be it further enacted*, That whenever two miles of said road has been completed from Chattanooga, Toll gate. said company shall establish at that point, a toll-gate, which shall be permanent, and may then receive toll; *Provided*, said company, with diligence, constructs said road to completion; and no other toll-gate shall be established on said road within five miles of said gate.

SEC. 74. *Be it further enacted*, That the capital stock of Capital Stock, said company shall be (\$25,000) twenty-five thousand etc. dollars, in shares of fifty dollars, with the privilege of increasing the same to fifty thousand dollars; and may organize whenever a *bona fide* subscription of five thousand dollars is subscribed..

SEC. 75. *Be it further enacted*, That the property Indebtedness. and franchise of said company shall be first liable for its indebtedness, and the stockholders shall be next liable only for the amount of their unpaid subscriptions respectively.

SEC. 76. *Be it further enacted*, That the company and owners of the land, or their legal representatives may—Commissioners to value or in case of failure or refusal on the part of the owners of land. the land or their legal representatives, to appoint Commissioners, said company may—appoint five Commissioners, who, after being duly qualified, may enter upon and assess the value of the right of way for said road, and report their action to said company, and also to the law or Circuit Court of Hamilton County, at Chattanooga, to be entered of record in said Court; and title thereto shall vest in said company upon payment of said assessment to the respective owners of the land, or into the hands of the Clerk of said Court.

SEC. 77. *Be it further enacted*, That the said Chattanooga and Rossville Turnpike Company" are authorized and empowered to charge and collect tolls at the rate Rates of toll. authorized by law to the Lebanon and Nashville Turnpike Company, by Act passed the 12th day of February, 1836.

SEC. 78. *Be it further enacted*, That said company shall proceed to organize as soon after the passage of this Act as practicable, and a majority of the incorporators will Organization. be sufficient for such purpose; and within six months after the passage of this Act, shall commence the construction of said road, and after completion keep the same in first-class condition.

SEC. 79. *Be it further enacted*, That the city of Chattanooga be, and is hereby authorized to subscribe to the State aid, etc. capital stock of said company; and that no State aid is granted to said turnpike company.

**Discrimination in rates.** SEC. 80. *Be it further enacted,* That the railroads incorporated by this Act; shall not discriminate in rates of tariffs against Tennessee freights or passengers; and the Legislature hereby reserves the right to enforce the provisions of this Act, and protect the citizens of the State by all necessary Legislation.

**Liabilities for damages.** SEC. 81. *Be it further enacted,* That any person or company using a railroad or turnpike whatever, in their own right, by lease or otherwise, shall be liable for damages to any individual through whose land the railroad may run, in all cases where and when a county road or street of a town or city, may be turned or changed to cross said railroad, or a different or more convenient grade than the original road or street.

**Town of Ripley.** SEC. 82. *Be it further enacted,* That the provisions of the fifth (5) section of this Act shall apply to the town of Ripley, in the County of Lauderdale, and the same shall be an amendment to the charter of said town.

**Town of Covington.** SEC. 83. *Be it further enacted,* That the Town of Covington be entitled to an additional Justice of the Peace, to be elected by the qualified voters residing within the corporate limits of said town.

**Town of Como.** SEC. 84. *Be it further enacted,* That the inhabitants of the Town of Como, in Henry County, are hereby established a corporation and body politic, by the name and style of the "Mayor and Aldermen of the Town of Como," and by that name and style may have all the incorporate privileges given to the Town of Covington, in Tipton County; the limits and boundaries of said Town of Como, to be the same as are now laid out.

**State Line Agricultural Society.** SEC. 85. *Be it further enacted,* That L. F. Johnson, W. G. Rutledge, J. R. King, J. G. King, H. H. Delaney, L. G. Dryden, Samuel Pierce, J. K. Hancher, Jno. L. Thomas, R. P. Rhea, and their associates and successors, be, and they are hereby constituted a body corporate and politic, by the name and style of the "State Line Agricultural Society," and by that name shall be entitled to all the rights, powers, privileges and immunities of the McNairy County Agricultural and Mechanical Society, incorporated by this Act; and that T. H. Reeves, A. J. Brown, J. H. Dasser, and their associates, successors and assigns, shall, by the name and style of the "Washington County

**Washington Co. Agricultural Society.**

Agricultural and Mechanical Society," have all the rights of the above company.

SEC. 86. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 17, 1870.

## CHAPTER LVIII.

### AN ACT to Secure the Completion of the Tennessee Central and Pacific Railroad.

WHEREAS, It is of the greatest importance to each section, and to the people of every portion of Tennessee, to have a continuous line of railway, extending as near centrally as possible, from end to end, throughout the State, connecting eastwardly and westwardly with other lines of inter-oceanic transportation; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Tennessee Central Railroad Company, the Nashville and North-western Railroad Company, and the Tennessee and Pacific Railroad Company, when they shall be completed, shall have power and authority to form one company, on such terms as may be agreed upon by the several boards of directors of said companies; and when so united, it shall be called and known as the "Tennessee Central and Pacific Railroad Company," embracing the portion of the Nashville and North-western Railroad between Nashville and Huntingdon.

SEC. 2. *Be it further enacted*, That the Tennessee Central Railroad Company shall have all of the rights, privileges and franchises granted in their original charter and subsequent amendments; shall have eight years longer allowed for the completion of their road, from the passage of this Act; and when one hundred thousand dollars of stock shall have been obtained in subscriptions, may reorganize their company by electing a board of seven direct-

**Election, etc.** ors, at a general meeting of the stockholders, to be convened by the President of the company; in which, and all subsequent meetings, each shareholder, whether individual, companies or counties, shall be entitled to one vote for every share so held. The 25th and 49th sections of the original charter of said company, granted the 28th day of January, 1848, be and the same is hereby repealed; and nothing herein contained shall be so construed as to authorize or require the issuance of any bonds of the State, to aid in the construction of said railroad.

**Subscription books.** SEC. 3. *Be it further enacted*, That J. C. Marley, Hiram Partie, Joshua D. Hill, J. H. Glass and Wm. W. Lea, the President of the said Tennessee Central Railroad Company, and such other agents as they may appoint, may proceed to open books, to receive subscriptions to the stock of said company, at such times and places as they may deem proper; to be paid in money, in work to be done in the construction of the road, in real estate or in the bonds of counties.

**Counties may take stock.** SEC. 4. *Be it further enacted*, That, for the purpose of aiding in the building of the Tennessee Central Railroad, from Fulton on the Mississippi river, to a connection with the Nashville and North-western Railroad at Huntingdon, the chairman, or presiding officers of the county courts, of the counties of Lauderdale, Dyer, Gibson, Carroll and Crocket, if organized, shall have power and authority to make subscriptions to the stock of said company, for such amounts as they may deem expedient, with the sanction of a majority of the justices of the peace of the respective counties, and the approval of the citizens thereof, to be ascertained in such manner as a majority of the magistrates may direct.

**Bonds.** SEC. 5. *Be it further enacted*, That the subscriptions thus made shall be paid in the bonds of the respective counties, signed by the chairman aforesaid, of one thousand dollars each, not having more than thirty years to run to maturity, bearing interest at the rate of six per cent. *per annum*, payable semi-annually, at such place as may be designated by the county court, with coupons attached.

**How to be used.** SEC. 6. *Be it further enacted*, That when issued, the county bonds shall be delivered to said railroad company, or its agent, the proceeds thereof to be expended as near as practicable, in the construction of the railway within the limits of the respective counties; and the county courts shall have the right and authority to lay and assess a tax annually on the citizens of their respective counties, for the payment of the interest on the bonds thus issued, and



the creation of a sinking fund; to provide for the collection thereof, and to appoint an agent to cast the vote and to represent the interests of the respective counties, in all general and called meetings of the stockholders of the company.

SEC. 7. *Be it further enacted*, That, WHEREAS, a branch of the Nashville and North-western Railroad was commenced being built from Huntingdon under the direction of a former Receiver of the same, with the proceeds of the bonds of the State, and about ten miles from Huntingdon to the vicinity of McLemoresville in Carroll County, have been graded and trestles erected on the same; and

Branch road  
of N. & N.  
W. R. R.

Whereas, The work has been suspended, and there are no means in hand to carry it on, and it is now going to waste and ruin, to the loss and injury of the company and of the State; Therefore,

Preamble.

*Be it further enacted*, That the Board of Commissioners that maybe organized by the Act of the Legislature for securing the interests of the State in such railroads as have failed to pay the interest on the bonds that have been issued for their benefit, shall have power and authority to sell the road-bed from Huntingdon to McLemoresville, heretofore described, with the right of way and all appurtenances thereto belonging, with the consent of the Board of Directors of said company, either at public sale or privately; and shall be authorized to receive the bonds of the State in payment for the same.

Com'rs may  
sell delin-  
quent roads.

SEC. 8. *Be it further enacted*, That the County Courts of the several counties on the line of the Tennessee and Pacific Railroad, when finally located, shall have the same power and authority as are conferred in the fourth and fifth sections of this Act, on the courts of the counties on the line of the Tennessee Central Railroad.

County Courts  
on line of  
road.

SEC. 9. *Be it further enacted*, That Joseph B. Butler, David M. Henning, Hardin Turner, Wm. P. Bond, R. J. Chester and Wm. W. Lea, be Commissioners and a body corporate for the purpose of opening books at such times and places as they deem proper, to obtain subscriptions to the capital stock of a company to be known as the "Jackson and Fulton Railroad Company," for building a railway from Jackson, Tennessee, by way of Brownsville and Durbeanville, to a junction with the Tennessee Central Railroad in Lauderdale County.

Jackson and  
Fulton Rail-  
road Co.

SEC. 10. *Be it further enacted*, That the company hereby authorized, shall have all of the powers, rights and

Meeting for  
organization.

privileges, granted to the Tennessee Central Railroad Company by its original charter, and subsequent amendments, but shall not be entitled to any aid from the State; and when the sum of one hundred thousand dollars shall have been secured of subscriptions of stock to the company, either by individuals or by companies or by counties, then the said Commissioners shall call a meeting of the stockholders, after due notice in the newspapers, to be held in Brownsville, at which they shall proceed to organize the company, the holder of each share of stock being entitled to one vote, but no individual, company or corporation shall be allowed to have more than two hundred votes.

Madison, Hay  
wood, etc.

SEC. 11. *Be it further enacted*, That the County Courts of the Counties of Madison, Haywood and Lauderdale, shall have the same rights and powers to make subscriptions to the stock of said company, to lay, assess and collect taxes, for the purpose of paying the interest on the bonds that may be issued, and creating a sinking fund, as are contained in the fourth and fifth sections of this Act in reference to other counties.

Towns of  
Jackson, etc.

SEC. 12. *Be it further enacted*, That the Jackson and Fulton Railroad Company shall have eight years from the passage of this Act in which to complete the construction of their road, on the route they may find most eligible; and that the corporate authorities of Jackson, Brownsville and Ripley, shall have the same power and authority to make subscriptions to the stock of the Jackson and Fulton Railroad Company, as are granted in this Act to the counties on the line of the Tennessee Central Railroad.

Cmbl'd City  
and Ky. R. R.  
' o.

SEC. 13. *Be it further enacted*, That M. D. Davis, J. D. West, Burrell Corban, Wm. Griffy, H. Marable, Smiley Kimbrick, Thomas Davie and Simeon Phillpott, be, and they are hereby created a body politic and corporate, by the name and style of the "Cumberland City and Kentucky Railroad Company," with all the rights, powers, privileges and immunities of An Act passed December 11, 1845, incorporating the Nashville and Chattanooga Railroad Company, and the Memphis, Clarksville and Louisville Railroad Company, excepting State aid granted to said roads, which is not asked for by this Road.

May consoli-  
date.

SEC. 14. *Be it further enacted*, That said road shall begin at some point on the Memphis, Clarksville and Louisville Railroad, between Palmyra and Cumberland City; and crossing Cumberland River, running north to the Kentucky State line; with all the rights, powers and

privileges of uniting with or becoming a branch of the Memphis, Clarksville and Louisville Railroad Company, or the Edgefield, Henderson and Nashville Railroad Company, or any other railroad in the United States, that is now, or may hereafter be incorporated or built; and the above incorporators have the legal right and power to convey all the rights and powers hereby granted to any such roads, that a majority of them may think proper.

SEC. 15. *Be it further enacted*, That the corporate authorities of the towns of Huntingdon, in Carroll County; Milan, Humboldt and Trenton, in Gibson County, and Ripley, in Lauderdale County, shall have the same power and authority to make subscriptions to the stock of the Tennessee Central Railroad, and to lay and collect taxes within their several corporations to pay the interest on the bonds that may be issued, and to create a sinking fund, as is granted to the several counties by this Act, in conformity with the Constitution of the State, as amended.

Towns may  
subs to Tenn.  
Central R. R.

SEC. 16. *Be it further enacted*, That three-fourths of the voting population of the several counties shall be required to authorize county subscriptions to the railroad companies.

SEC. 17. *Be it further enacted*, That each and every road incorporated or consolidated by this Act, or any road accepting the terms of this Act, shall not discriminate against Tennessee freights or passengers; and the Legislature reserves the right to enforce the provisions of this section, by all necessary legislation.

Not to dis-  
criminate.

SEC. 18. *Be it further enacted*, That a right of action for the redress of any injury caused by, or for any claim or demand against said roads so incorporated, consolidated or accepting the terms of this Act, shall exist in this State, in any court or judicial tribunal having jurisdiction thereof, against any such roads; and process may be served upon any depot agent of any such railroads in this State, in the absence of the President or head officer of any such railroads; and the personal property of any such railroads shall be liable for the satisfaction of any judgment, the existence of any mortgage on said property to the contrary notwithstanding; and that this Act shall take effect from and after its passage.

Legal process.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 17, 1870.

## CHAPTER LIX.

AN ACT to Incorporate the Town of Maynardsville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the town of Maynardsville, in the County of Union, as the same extends and is laid out, as hereinafterward named, are hereby established a corporation and body politic, by the name and style of the "Mayor and Aldermen of the Town of Maynardsville," and by that name and style shall have succession for ninety-nine (99) years, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, in their said town; and may sell, lease or dispose of the same, for the benefit of said town; and may purchase, receive and hold property, real and personal, beyond the limits of said town or incorporation, to be used for the burial of the dead; and may sell, lease, or dispose of said property for the benefit of said town, and do all other acts touching the same as natural persons; they may have and use a common seal, and change the same at will.

Privileges.

SEC. 2. *Be it further enacted*, That there shall be a Town Council Town Council, to consist of a Mayor and Aldermen. The Board of Aldermen shall consist of three members from said incorporation, chosen by the qualified voters thereof, respectively, for one year; no person shall be an Alderman unless he be a citizen of the State of Tennessee and a *bona fide* resident of the ward for which he is elected.

Mayor.

SEC. 3. *Be it further enacted*, That the Mayor shall be elected by the qualified voters of said incorporation, and shall hold his office for one year, and until his successor is elected and qualified. No person shall be elected Mayor who is not, at the time of his election, a *bona fide* resident of said town; the Mayor, together with the Aldermen, before entering upon the discharge of their offices, shall take an oath faithfully to demean themselves in their offices; a vacancy occurring in the office of Mayor, by death, removal or otherwise, may be filled by a majority of the council elect, until the regular time of elections; all vacancies in the Board of Aldermen shall be filled by a vote of a majority of the remaining members, together with the Mayor. It shall be the duty of the Mayor to preside

Vaca'ces, etc.

at all meetings of the Council, to see that all ordinances of the town are duly enforced, respected and obeyed within said corporation, and to call special sessions of the Council when he may deem it expedient.

SEC. 4. *Be it further enacted*, That the Town Council shall have full power and authority to appoint all officers, servants and agents of the corporation, such as they may deem necessary, and may provide by ordinance; they shall also fix the compensation of such officers, which shall not be increased during their continuance in office; they shall have power to dismiss any officer or other person by them appointed, two-thirds of the council concurring in said dismissal.

Powers of Council.

SEC. 5. *Be it further enacted*, That an election shall be held for Mayor and Aldermen by the Sheriff of said county, on the fourth Saturday of February, 1870, and always annually thereafter; said election shall be held under the same rules and restrictions as other elections are now held; *Provided*, no person shall be entitled to vote in said elections unless he has been a resident of said incorporation three months next preceding the day of election, or a freeholder in said corporation.

Election for Mayor and Aldermen.

SEC. 6. *Be it further enacted*, That the Mayor and Aldermen shall have power, by ordinance, within the corporation:—

1st, To levy and collect taxes upon all property taxable by law for State purposes.

General powers and privileges.

2nd, To levy and collect taxes upon all privileges and polls taxable by the laws of the State.

3rd, To make regulations to prevent the introduction of contagious diseases into the town; to make quarantine laws for the purpose, and to enforce the same within three miles of the town.

4th, To appropriate money and provide for the payment of the debts and expenses of the town.

5th, To make regulations to secure the general health of the inhabitants; and to prevent and remove nuisances; to regulate and suppress vagrancy.

6th, To establish a system of free common schools in the town.

7th, To repair streets, alleys and sidewalks, or to have the same done.

8th, To establish, support and keep night-watch and patrol; to provide for the erection of all buildings necessary to regulate the same.

Same.

9th, To license, tax, regulate and suppress all theatrical and other exhibitions, shows and amusements.

General pow- 10th, To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, coffee houses, confectioners, retailers of liquors, hawkers, peddlers and livery stable keepers.

11th, To regulate or prohibit the use of candle light and stove pipes in stables, shops and other places.

12th, To regulate and suppress all disorderly or bawdy houses.

Same. 13th, To provide for and regulate the police of the town, to impose fines, forfeitures and penalties for the breach of any ordinances, and to provide for their recovery and appropriation; and to appoint an officer of the town being a Justice of the Peace, before whom such recovery may be had.

14th, To provide for the arrest and confinement until trial, of all riotous and disorderly persons, within the corporation by day or by night; to authorize the arrest of all suspicious persons found violating any of the ordinances of the town.

15th, To prevent and punish, by pecuniary penalties, all breaches of the peace.

16th, To pass all ordinances not contray to the Constitution and laws of the State, that may be necessary to carry out the full intent and meaning of this Act and to accomplish the object of their incorporation.

Work-house, etc. SEC. 7. *Be it further enacted*, That the Mayor and Aldermen may, as soon as practicable after the passage of this Act, erect, purchase or rent and organize a work-house, within or beyond the limits of said corporation; and any person who shall negelect, refuse or fail to pay any fine or costs imposed upon him or her, under any ordinance of the town, shall be committed to the work-house until such fine and costs be fully paid; every person committed to the work-house, shall be required to work for the town at such work as his or her health and strength will permit, within or without the work-house, not exceeding ten hours each day; and for such work, shall be allowed seventy-five cents per day and board, until the whole fine and costs are paid, when such persons shall be discharged; *Provided*, that no person shall be compelled to work more than two months at any one time, for any one offense; and until such work-house is established, such offenders may be made to work on the streets and sidewalks of said town; subject to the same provisions and limitations as above.

Provisoa.

Boundary line. SEC. 8. *Be it further enacted*, That the boundary limits of said incorporation shall be as follows, viz: Beginning on the north bank of Bullrun Creek, twenty yards

east of the dwelling house of Mark Monroe; thence north eighty polls to a stake; thence west one hundred polls to a stake; thence south to Bullrun Creek, so as to include J. C. Baker; thence up the creek as it meanders, to the beginning.

SEC. 9. *Be it further enacted*, That the corporate limits of the town of Wartrace, in the county of Bedford, be extended so as to include within its boundaries all the territory within six hundred yards each way from the center of the depot house, as now located on the Nashville and Chattanooga Railroad, in said village of Wartrace; and that the Mayor and Aldermen of the town of Wartrace are hereby clothed with all the power and privileges conferred in this Act on the Mayor and Aldermen of the town of Maynardsville.

Town of Wartrace.

SEC. 10. *Be it further enacted*, That Charles A. Merrill, John H. Harrison, James P. Johnson, John T. Fleming, Thomas H. Bard, and their associates and successors, are hereby created a body politic and corporate, under the name and style of the "Franklin and Spring Hill Turnpike Company," with all the powers and privileges of the original charter to the Franklin and Columbia Turnpike Company, except as to State aid; and they are hereby authorized and empowered to repair and construct a turnpike road along the line of the old Franklin and Columbia turnpike; and shall be granted all the rights of said original company except as above provided.

Franklin and Spring Hill Turnpike Co.

Nothing in this Act shall be so construed as to prevent the State from selling her interest in said road.

SEC. 11. *Be it further enacted*, That W. D. Plekett, W. B. Wigge, R. W. Mitchell and John H. Errken, their associates and successors are hereby constituted a body politic and corporate, in deed and in law, by the name and style of the "Confederate Relief and Historical Association," of Memphis, with power to keep a common seal, and the same to alter or amend at pleasure; to sue and be sued, plead and be impleaded, in any action, whether at law or equity; to receive donations and make purchases of property, both real and personal, with power to sell and convey such property and re-invest the proceeds for the benefit of said society; also power of framing their own constitution, electing their own officers, passing their own rules and by-laws for the government of the members of the association, and of enforcing the same for the purpose

Confederate Relief and Histor. Ass'n.

Powers, etc.

Nonconer  
Pike Co.

SEC. 21. *Be it further enacted*, That so much of An Act passed May 24, 1866, entitled "An Act to Incorporate the Caney Fork and Collins River Oil and Lumber Company, and for other purposes," as incorporates, the Nonconer Pike Company, is hereby amended so that no higher rates of toll shall be collected than is hereby prescribed, to wit: For every ten head of hogs, sheep, goats and cattle, two cents, and for every less number passing at one time, nothing shall be charged; and five cents for every ten head of horses and mules in a drove, for any less number passing at one time, nothing shall be charged; for every wagon drawn by two horses, mules or oxen, five cents; for all wagons by three horses, mules or oxen, ten cents; for all wagons drawn by four horses, mules or oxen, ten cents; for all wagons drawn by five or more horses, mules or oxen, fifteen cents; for all buggies, or vehicles drawn by one horse, five cents; for all other vehicles drawn by two horses, ten cents; for all horsemen three cents each; for all footmen one cent each; and no other or greater rate of toll than the foregoing shall be charged in any case; and should said company, in any case, charge a greater rate of toll than the foregoing, it shall operate as a forfeiture of their charter.

Rates of toll.

All turnpike  
Cos. of Shelby  
County.

SEC. 22. *Be it further enacted*, That all Acts and parts of Acts amendatory to said Act incorporating said Nonconer Pike Company, so far as the same established pike companies, turnpike companies or ferries in the county of Shelby, in this State, are hereby amended so that the rates of toll shall be the same as prescribed in the foregoing sections; and in the event of a higher rate of toll being charged, in any case, the same shall operate a forfeiture of their charter.

SEC. 23. *Be it further enacted*, That the town of Loudon, in the county of Roane, be, and is hereby entitled to all privileges, immunities and liabilities as provided under An Act incorporating the town of Morristown, except as to boundary.

SEC. 24. *Be it further enacted*, That all the rights, privileges and immunities as are hereafter granted to the Town of Adamsville, in the County of McNairy, are extended to the Town of Indian Mound, in the County of Stewart, and that the limits of said town shall extend one-half mile from the store-house of West & Robertson, in each direction.

Indian Mo'nd.

SEC. 25. *Be it further enacted*, That the corporate



limits of the Town of Friendship, in Dyer County, be so extended as to run eight hundred yards in every direction from the store-house of Sinclair & Rice. Friendship.

SEC. 26. *Be it further enacted*, That section 1st of Chapter 87, passed January 30, 1869, entitled "An Act to Incorporate the Union City Bank, and for other purposes," be amended by striking out the names of W. B. Gibbs, P. W. Summer, John H. Barkers, and D. D. Brockway and A. W. Brockway, and inserting the names of Robert Mathews and Wm. V. Mathews. Union City Bank.

SEC. 27. *Be it further enacted*, That W. Parkes, J. Parkes, L. Muis, Bentley S. Busby, L. A. Carrell, G. M. Meek, B. F. Mathews, W. B. Chaffin, E. E. McClain, John L. Brandon, W. H. Sykes, J. M. Sykes, H. C. Bate, W. H. Simonton, G. O. W. White, Hugh McRea, and their associates, are hereby incorporated a body politic and corporate, under the name and style of the "Lawrenceburg and Pulaski Turnpike Company," and by that name shall have all the powers and privileges usually granted such corporations except as to State aid. Lawrencebu'g and Pulaski Turnp. Co.

SEC. 28. *Be it further enacted*, That J. R. Crumbly, J. R. Anderson, Jno. G. King, Jno. Slack, their successors and assigns, be, and they are hereby, incorporated under the corporate name of the "Bank of Bristol," and as such shall have and enjoy all the rights, privileges and immunities granted to the People's Bank of Knoxville, and shall be entitled to exercise all the powers conferred upon said People's Bank by its charter; *Provided*, the property of the stockholders of said Bank shall be responsible for all the debts, liabilities and contracts of said institution. Bank of Bristol. Rights and privileges.

SEC. 29. *Be it further enacted*, That John B. Baker, James J. Turner, L. Hullett, N. H. Stone, Alfred Balch, and William Balch, and others, or such of them as shall subscribe for stock in the company hereinafter named, and their associates and successors, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Ridge Branch Turnpike Company," for the purpose of constructing a turnpike road in the County of Sumner, commencing at the Gallatin and Ridge Turnpike road, near the land formerly owned by Thomas C. Trimble, and running as near as practicable on the line of the old road leading from Gallatin past the old place of Thos. C. Douglas, to the Ridge, a distance of about four miles; Ridge Branch Turnp. Co.

- Powers, etc.** and said company, when formed, shall, by their corporate name, have power to sue and be sued, plead and be impleaded in all the courts of this State, or elsewhere; and have and enjoy all the rights and privileges secured to the Gallatin and Cumberland Turnpike Company by the charter passed 13th January, 1844, and amendments thereto, at the session of 1847-8, of the General Assembly, and subject to all the restrictions and liabilities contained in said Charter.
- Grade.** SEC. 30. *Be it further enacted,* That said road shall be fifty feet wide, and shall receive metal at least sixteen feet wide, the gravel to be twelve inches deep in center, and eight inches deep on the edge of the road.
- Capital Stock, etc.** SEC. 31. *Be it further enacted,* That the capital stock of said company shall be ten thousand dollars; and books for subscription of said stock shall be opened in the town of Gallatin, at the office of James J. Turner, by the said Turner, John B. Baker, N. H. Stone, Alfred Balch, and William Balch, or any three of them, at such time as they may deem expedient after giving ten days' notice of the time; and so soon as a sufficient amount shall be subscribed to construct the road, the subscribers shall elect five of their number Directors, who shall hold their office for one year, and until another Board shall be elected and qualified. Said Board shall elect one of their body President, and appoint all necessary officers, and proceed to locate and lay out said road and put the same under contract for construction.
- Election of officers.**
- Time to complete, etc.** SEC. 32. *Be it further enacted,* That the stock in said road may be paid in money or work; and the work performed by each stockholder shall be valued by three disinterested appraisers, to be chosen by the stockholders, and constitute so much stock in the road; and said company shall have until the first day of September, 1870, to commence said work, and two years thereafter to finish the same, and in case of failure then this charter to be void.
- Gal. & Ridge Turnp. Co., Gate, etc.** SEC. 33. *Be it further enacted,* That after said road is completed, the Gallatin and Ridge Turnpike Company shall be empowered to erect a gate at the junction of said two roads, and receive toll thereat; *Provided,* that they shall divide the profits of said two roads in such manner as shall be agreed upon by said two companies; and, *provided further,* that if the road from said gate to the town of Gallatin is not repaired and completed in twelve months after the passage of this Act, then the Ridge Branch Turnpike Company shall have the right to construct said road to the town of Gallatin, and shall own the same.

SEC. 34. *Be it further enacted*, That a company, to be entitled the "Memphis Printing and Publishing Company," shall be, and is hereby incorporated, for the purpose of carrying on, in the City of Memphis, Tennessee, a general printing and publishing business, with a capital of ten thousand dollars, which may be increased to one hundred thousand dollars; that the stock of said company shall be divided into shares of fifty dollars each, to be subscribed with the Commissioners hereinafter named, and paid as the Directors to be elected may demand.

SEC. 35. *Be it further enacted*, That the subscribers to said stock, their successors and assigns, are hereby created a body politic and corporate, and by the name and style of the "Memphis Printing and Publishing Company," may sue and be sued, contract and be contracted with; have and use a common seal; and shall have authority to elect all necessary officers, and to pass all by-laws for the successful management of the affairs of said company; and the company hereby chartered shall exist and have succession for the period of thirty years.

SEC. 36. *Be it further enacted*, That R. C. Brinkley, Miles Owen and Rolfe S. Saunders, are hereby appointed Commissioners, to open books for the subscription of said company; and when ten thousand dollars shall be taken, they shall call a meeting of the stockholders for the purpose of electing a Board of five Directors, to whom shall be entrusted the management of the affairs of said company.

SEC. 37. *Be it further enacted*, That each and every stockholder shall be liable for the full amount of stock subscribed by him.

SEC. 38. *Be it further enacted*, That the inhabitants of the Town of Adamsville, in McNairy County, are hereby constituted a corporation and body politic by the name and style of the "Town of Adamsville;" and by that name shall have succession for ninety-nine years; may sue and be sued in all courts of law and equity; may purchase and hold property, real, personal or mixed, within or without the corporation; may sell, lease or dispose of the same, for the benefit of the corporation; and shall have and use a common seal, and change it at pleasure.

SEC. 39. *Be it further enacted*, That the limits of said incorporation shall be as follows: Beginning at a stake and black oak jointers in section 3d and range 5, on the east boundary line of a 112-acre tract in the name of T. Wash. Scott; runs due west 265 poles, to a stake; thence, north 160 poles, to a stake on a tract of land, in the name

of R. F. Scott; thence, due east 265 poles, to a stake on a tract of land, in the name of Jesse Jones; thence, due south to the beginning.

**Council.** SEC. 40. *Be it further enacted,* That there shall be a Council, consisting of Mayor and Aldermen. The Board of Aldermen shall consist of three members, elected by the qualified voters of the town. No person shall be an Alderman unless he be a citizen of the State of Tennessee, and a *bona fide* resident of the corporation. All vacancies in the Board of Aldermen shall be filled by a majority of votes of the remaining members.

**Mayor.** SEC. 41. *Be it further enacted,* That the Mayor shall be elected by the qualified voters of the corporation, and shall hold his office for one year, and until his successor is elected and qualified. No person shall be elected Mayor who is not at the time a citizen of the State of Tennessee, and a *bona fide* resident of said corporation. When two or more persons shall have an equal number of votes for the office of Mayor, the election shall be referred back to the voters of the corporation; and said election shall be held as before, within the next succeeding ten days. In case the office of Mayor is made vacant by death, resignation or otherwise, the Aldermen shall elect his successor, who shall hold his office until the next regular election. It shall be the duty of the Mayor to preside at all meetings of the Council, and to see that all ordinances of the corporation are enforced, respected and obeyed, within the corporation.

**Vacancy, etc.**

**Marshal.** SEC. 42. *Be it further enacted,* That there shall be one Marshal elected at the regular annual election, who shall have all the qualifications required for the Mayor and Aldermen. All officers under the corporation shall hold their office for the period of one year; and before entering upon the duties of their office shall take an oath to faithfully and impartially discharge the duties of their office; and no person shall be eligible to office or entitled to vote for officers of said corporation who is not competent to vote for members of the General Assembly, and a *bona fide* resident of the corporation. The Sheriff of McNairy County, by himself or his deputy, shall advertise for ten days, and hold an election for Mayor, Aldermen and Marshal, on the first Saturday of May, 1870, and the person so elected shall be inducted into office on the second Monday of May, thereafter. All subsequent elections shall be held by the Marshal of the Corporation, after giving ten days' notice.

**Oath of office.**

**Election.**

SEC. 43. *Be it further enacted,* That it shall be the

duty of the Marshal to enforce the observance and obedience of all ordinances passed by the Board of Mayor and Aldermen, and shall collect all taxes, privileges, fines and forfeitures which may be levied or assessed for the benefit of said corporation. He shall give such bond as may be determined by the Board of Mayor and Aldermen.

SEC. 44. *Be it further enacted*, That the Mayor shall be *ex-officio* Recorder and Treasurer, and shall give such bond as may be prescribed by the Board of Mayor and Aldermen, payable to the Board of Mayor and Aldermen and their successors in office, conditioned upon the faithful performance of all the duties of his office; said bond to be filed with the Clerk of the County Court. The Mayor shall also keep all the records of the Council, and he shall be and he is hereby invested with concurrent jurisdiction with Justices of the Peace in all cases of a violation of the criminal laws of the State or the ordinances of the corporation within the limits of the same.

SEC. 45. *Be it further enacted*, That the Board of Mayor and Aldermen may appoint an Assessor, whose duty it shall be to make a just and accurate assessment of all property, real and personal, subject to corporation taxes, and return the same to the Mayor as soon thereafter as possible, in such manner and form as may be determined by the Board of Mayor and Aldermen.

SEC. 46. *Be it further enacted*, That it shall be the duty of the Treasurer to receive and faithfully keep all moneys belonging to the corporation, and receipt for the same, and to pay out any moneys in his hands upon the direction of the Council; to enforce the collection of taxes due the corporation. The Marshal is hereby invested with all the rights and powers possessed by the Revenue Collectors of this State for the condemnation and sale of property for delinquent taxes.

SEC. 47. *Be it further enacted*, That the Circuit Court of McNairy County is hereby invested with the necessary jurisdiction for the enforcement of the provisions of the foregoing sections, so far as the same authorizes the corporation of the town of Adamsville to collect taxes by condemnation and sale of land and town lots.

SEC. 48. *Be it further enacted*, That the Marshal, Mayor and Aldermen, shall constitute a Board of Equalization, who shall have power to equalize assessments; and shall meet on the first Saturday in August of each year, and listen to all complaints as to the assessments of property, and shall equalize and settle the same.

**SEC. 49.** *Be it further enacted,* That the Mayor and Aldermen shall have power, by ordinance, to regulate the General powers and privileges of Mayor and Aldermen. amounts of salaries to be paid to the officers and appointees of the corporation; levy and collect taxes upon all property taxable by law for State purposes; to levy and collect taxes on all privileges and polls taxable by the laws of the State; to appropriate money and provide for the payment of the lawful debts and expenses of the corporation; to establish and provide for a system of free schools and regulate the same; to abate or remove nuisances; to open, alter or abolish, widen or extend, establish, grade, pave or otherwise improve, clean and keep in repair, streets, public squares, alleys and sidewalks; to erect bridges and keep the same in repair; to provide for the erection of any buildings necessary for the use of the corporation; to suppress gambling houses, disorderly houses and bawdy houses; to regulate the police of the corporation; enforce fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation; provide for the arrest and confinement of all rioters and disorderly person, or persons committing nuisances within the corporation; to punish, by pecuniary penalties, for breaches of the peace, noise, disturbances, Sabbath-breaking, or disorderly assemblages in any street, house or place in the corporation; to provide for the construction and repair of all sidewalks, or cleaning the same, at the expense of the owners of the ground fronting thereto; to pass all ordinances not contrary to the Constitution and laws of the State, that may be necessary to carry out the full intent and meaning of this Act; all such ordinances to be published not less than ten days before going into effect.

Same.

**SEC. 50.** *Be it further enacted,* That the Mayor and Aldermen may, as soon as practicable after the passage of this charter, erect, purchase or rent, and organize a work-house within and beyond the limits of the city; and any person who shall neglect, fail or refuse to pay any fine or costs imposed upon him or her, under any ordinance of the city, shall be committed to the work-house until such fine and cost be fully paid.

Work-house.

Every person so committed to the work-house shall be required to work for the town at such work as his or her health and strength will permit, within or without the work-house, not exceeding ten hours each day, (Sundays excepted,) and for such work shall be allowed seventy-five cents per day and board, until the whole fine and

Offenders to work therein.

costs are discharged, when said persons shall be released ; *Provided*, that no person shall be compelled to work longer than three months for any one offense.

SEC. 51. *Be it further enacted*, That all the rights, privileges and immunities hereby granted to the Town of Adamsville in the County of McNairy, are hereby extended to the Town of Purdy in said county ; and that the limits of said town shall extend one mile in each direction from the Court-house in said town. Town of Purdy.

SEC. 52. *Be it further enacted*, That all the rights, privileges and immunities hereby granted to the Town of Adamsville in the County of McNairy, are hereby extended to the Town of Bethel Springs in said county ; and that the limits of said town shall extend one mile each way from the Mobile and Ohio Railroad Depot in said town. • Bethel Spr'gs.

SEC. 53. *Be it further enacted*, That all the rights, privileges and immunities hereby granted to the Town of Adamsville in the County of McNairy, are extended to the Town of Saltillo in the County of Hardin ; and that the limits of said town shall extend one-half mile in each direction from the store-house of Alexander & Brothers, in said town. Town of Saltillo.

SEC. 54. *Be it further enacted*, That the Sheriff of Shelby County, after ten days' previous notice, shall, by himself or one of his deputies, hold an election in the Town of Cleburne; formerly known as Shelby Depot, on the first Saturday in April, 1870, and on the same day in each and every succeeding year, for the purpose of electing a Mayor and five Aldermen, a Town-constable and a Recorder for the corporation of the said Town of Cleburne; and all persons living within said corporation who are qualified by law to vote for members of the General Assembly, and persons owning a freehold within the limits of said corporation, shall be entitled to vote for Mayor, Aldermen, Town-constable and Recorder, for said town ; and no person shall be eligible for the office of Mayor, Town-constable, Alderman or Recorder, unless he be a citizen of said Town of Cleburne; and in case of death, removal or resignation of any one of the officers of said corporation, the Mayor and Aldermen shall have power to fill such vacancy for the unexpired term. Town of Cleburne.

SEC. 55. *Be it further enacted*, That the several per- Election.

Certificate of election.

sons so qualified as aforesaid, having the highest number of votes, shall be taken as duly elected; and the Sheriff as aforesaid shall, within three days thereafter, give to the Mayor, each of the Aldermen, Town-constable and Recorder, a certificate of their election; and it shall be the duty of the persons so elected to meet at the Town of Cleburne on the next Saturday succeeding after the election; and after having been qualified, shall proceed to the discharge of their duties. Three of said Aldermen constitute a quorum.

Oaths of office.

SEC. 56. *Be it further enacted*, That the Mayor and Aldermen of said town of Cleburne shall, before entering upon the duties of their said offices, take an oath before some Justice of Shelby County, to faithfully and honestly demean themselves as Mayor and Aldermen of said corporation during their continuance in office.

Term of office, etc.

SEC. 57. *Be it further enacted*, That the Town-constable and Recorder so elected shall continue in office twelve months from the time of his election, and shall, before entering upon the duties of his office give bond and security to the Mayor for the time being, for the faithful discharge of the duties of his office, and account for all moneys by him collected.

Recorder to certify to Cir. Court.

SEC. 58. *Be it further enacted*, That when any tax shall be imposed upon any real property lying within the bounds of said corporation, and not paid by the owner or agent, and there shall be no personal property of the owner of said realty upon which the same could be levied, then it shall be the duty of the Recorder to certify the same to the first Circuit Court of Shelby County, at the same time to which the Sheriff of the said county is required to report lands in his county, on which the State and county tax has not been paid. It shall be the duty of the said Circuit Court to enter up judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the non-payment of taxes due the State and county upon lands lying within the county, and the same shall be sold at the same time and in the same manner and subject to the same rules and regulations that are by law required for the sale of lands lying within said county. Said tax when collected by the Sheriff shall be paid by him into the hands of the Town-constable for the use of said corporation, which sale, when in the manner aforesaid made, shall vest the same right and title in the purchaser, as if the sale had been made for the tax due the State.

Duty of Court.

Tax Sale.

SEC. 59. *Be it further enacted*, That the Sheriff of



Shelby County shall proceed to hold an election for Mayor, Aldermen, Town-constable and Recorder as provided in the fifty-fifth section of this Act, appoint three respectable citizens in the town of Cleburne who shall act as judges of said election, and two others who shall act as clerks. Election.

SEC. 60. *Be it further enacted*, That if the Sheriff should fail to hold an election for said offices on the first Saturday in April of each and every year, he may at any time thereafter open and hold an election for the said offices by first giving ten days' notice of said election, for the balance of the year. Failure to hold.

SEC. 61. *Be it further enacted*, That the corporate limits of the said town of Cleburne shall be as follows, viz: Beginning at a point on the Brownsville road, where Thomas Garrett's east boundary line crosses said road; thence east with said road to the bridge on Stewart's Creek; thence north to the bridge at the crossing of Stewart's Creek by the Germantown and Covington road, said boundary north meandering with the Creek to said bridge; thence east to Thomas Garrett's east boundary line, and thence south to the beginning. Boundary.

SEC. 62. *Be it further enacted*, That the Constable shall pay over monthly to the Recorder all sums of money collected by him for said corporation; and the Recorder shall tender quarterly, on the first Saturdays in July, October, January and April, a full and complete statement of the finances under his control; and the Recorder shall exhibit to the Board semi-annually, on the last Saturdays in January and July in every year, a full and complete statement of the finances of said corporation; he shall also within thirty days from the time of assessing the taxes of said corporation, deliver to the Town-constable a tax list which shall be authority for said Constable for collecting the taxes therein specified, and the Recorder shall preserve a copy of said tax list among the papers of said corporation. No money shall be paid out except by the Recorder; and in no instance shall he do so except upon the order of the Mayor made in presence of the Board of Aldermen; at the expiration of his term of office, the Recorder shall deliver to his successor all books and papers and take his receipt for the same. Duties of Recorder and Constable.

SEC. 63. *Be it further enacted*, That the corporate limits of the town of McKenzie, in Carroll county, be extended as follows: Beginning at a stake nine hundred yards due north of the crossing of the Memphis and Ohio Railroad, and the Nashville and North-western Railroad; Town of McKenzie.

thence, due west nine hundred yards to a stake; thence, due south eighteen hundred yards; thence due east eighteen hundred yards; thence due north eighteen hundred yards, and thence due west nine hundred yards to the beginning.

**Powers, privileges, etc.** SEC. 64. *Be it further enacted*, That the charter of the said town of McKenzie be so amended as to confer the same powers, rights, privileges and impose the same responsibilities upon the Mayor and Constable of said town as are now conferred and imposed by law upon the constables and magistrates of Carroll county; *Provided*, that their power or jurisdiction shall not extend beyond the corporate limits of said town; and that the Mayor and Constable of McKenzie be allowed the same fees for service as are now allowed by law to magistrates and constables for similar service.

SEC. 65. *Be it further enacted*, That hereafter the board shall consist of a Mayor and seven Aldermen, instead of five, as originally provided.

**Liberty and Woodbury Turnpike Co.** SEC. 66. *Be it further enacted*, That John W. Stark, W. G. Bratton, Thomas Givins, H. A. Overhall, A. L. Hancock, and all persons who may become stockholders, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Liberty and Woodbury Turnpike Company," for the purpose of constructing a turnpike road leading from Smith's Fork Creek, at the lower end of James Allen's field, in DeKalb county, running up Clear Fork creek to Woodbury, in Cannon county.

**Capital stock, powers, privileges, etc.** Said company shall, by corporate name, have power to transact all business in prosecuting the objects of this corporation to a successful issue. Their capital stock shall consist of such an amount as may be found necessary to build said road, erect toll gates, purchase sites for same; each share to entitle the owner thereof to one vote in the management of the affairs of said company; that such subscriptions may be paid in labor or other services, as may be determined by a board of five directors, to be chosen by the stockholders at such times and places, and to serve for such length of time, as may be determined by said stockholders; that said company shall have three years to commence said work and six years thereafter for its completion; that they have succession for ninety-nine years; that said road shall be graded fifteen feet in width, the first coat of rock or gravel twelve feet in width, the second coat eight feet in width, of sufficient thickness to sustain the travel; that said company after they have built a bridge across Smith's Fork and completed five miles of said road,

**Name.**

they shall have power to erect one toll-gate and collect Same. toll; *Provided*, no gate shall be located nearer than one-half mile of an incorporated village or town; that said turnpike company be entitled to all privileges and immunities, and subject to all liabilities not inconsistent herewith, to which similar corporations generally are entitled; that said company be allowed to charge the same rates of toll as allowed by law on the Lebanon and Sparta Turnpike road.

SEC. 67. *Be it further enacted*, That Locke Brown, J. V. Fortune, B. R. Persens, Robert Fenner and F. W. Yancy, and their associates, successors and assigns, be, and are hereby constituted a body corporate, by the name of the "Jackson Real Estate Company," of Jackson, Tennessee, and by that name and style shall have succession for thirty years; and shall be competent to sue and be sued, plead and be impleaded in any courts of law or equity; to have and use a common seal, and alter the same at pleasure; to establish and change any by-laws for the government of said corporation; to buy and sell or lend money on real estate, bonds, bills, notes, stocks, gold, silver and all kinds of personal property; to negotiate for other persons for the purchase or sale and lending of money on any of the above named securities; *Provided*, that the corporation shall charge no higher rate of interest than is allowed by the laws of the State of Tennessee, and such commissions as may be agreed upon between the parties, not in violation of commercial laws and the customs of this State; *provided*, said sum shall not exceed one half of one per cent. for commission.

Jackson Real Estate Co.

Powers and privileges.

SEC. 68. *Be it further enacted*, That the capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each; and the President and Directors may increase the capital stock to five hundred thousand dollars, if the wants of the corporation may require.

Capital stock.

The individual property of the respective stockholders shall be responsible for all the debts, liabilities and deposits of said corporation; and if he should fail to pay his stock upon call, he may be sued, and judgment rendered against him for the same, in any court having jurisdiction thereof.

Liability.

SEC. 69. *Be it further enacted*, That when the sum of fifty thousand dollars is subscribed, and ten per cent. thereon paid to the incorporators herein named, the said incorporators may call a meeting of the stockholders, and elect a President and four Directors,

Meeting to elect Directors, etc.

whose term of office shall be for one year, and until their successors may be elected; and said President and Directors may appoint such other officers as may be necessary for conducting their business.

**Organization.** SEC. 70. *Be it further enacted,* That when a President and four Directors are elected, the incorporators shall issue a certificate of election and pay over to them the money received on the capital stock; then the President and Directors may organize and proceed to business.

**Taxes.** SEC. 71. *Be it further enacted,* That said incorporation shall be subject to, and liable for all the taxes, State and County, as provided by law on similar incorporations.

**Knoxville Real Estate Association.** SEC. 72. *Be it further enacted,* That S. Mewson, W. P. Elliott, S. C. Konage, and their associates and successors, be, and they are hereby, incorporated under the name and style of "Knoxville Real Estate Association," and as such shall have and enjoy all the rights, powers, and privileges conferred by this Act upon the Jackson Real Estate Association.

**Mutual Benefit Life Ass'n.** SEC. 73. *Be it further enacted,* That G. W. Curry, R. P. Webster, E. A. Hurbert, James Winbourne, William Rice, James A. Evans, William B. Wade, and Dr. Jno. M. Lawrence are hereby constituted a body corporate and politic, under the name of the "Mutual Benefit Life Association of Tennessee, at Nashville."

**Organization.** SEC. 74. *Be it further enacted,* That when one hundred subscribers are obtained to said Association, they shall meet and organize by the election of one President, one Vice-President, one Secretary and Treasurer, one Medical Examiner, and ten Directors, who shall hold office for one year, or until their successors are elected.

**Powers, etc.** SEC. 75. *Be it further enacted,* That when the Association is thus duly organized, that it shall enjoy all the benefits of similar benevolent associations, with such powers and privileges as may be necessary for conducting its business; and may sue and be sued in its corporate capacity as any other corporate body.

**Rules, etc.** When said Association is fully organized, the Board of Directors shall make such rules and regulations as may be necessary for the government of the same.

**Exempt.** SEC. 76. *Be it further enacted,* That all benefits which may be due to the representatives of its deceased members shall be exempt from execution, or any ways liable for the debts of any deceased member of the association.

SEC. 77. *Be it further enacted,* That Section 1 of An Act

entitled "An Act to Incorporate the Wand Patent Car Tenn. Iron Roofing Company, of Nashville, Tennessee," passed No- Car Roofing Company.  
 vember 2d, 1867, be so amended as to read "The Tennes-  
 see Iron Car Roofing Company."

SEC. 78. *Be it further enacted*, That Rev. Caleb R. Cane Creek Academy.  
 Hoyl, Dr. Abraham Slack, Joseph S. Knox, John G. May-  
 field, Ewing W. Carlock, John Benton, Robert Reynolds,  
 Robert H. Wells, J. Berry Cobb, Wm. C. Vaughan, Rob-  
 ert H. Paris, John A. Turley, and Rev. Uriah Payne, and  
 their successors, be, and they are hereby, constituted a  
 body politic and corporate, under the name and style of  
 "Cane Creek Academy," having power to hold personal  
 and real estate; to acquire the same by purchase, gift, de-  
 vise, or bequest; to sell or exchange the same at pleasure;  
 to sue and be sued in any of the Courts of the State; to  
 elect a Principal or President, and such Professors, Teach-  
 ers and Tutors from time to time, as they may deem prop-  
 er; to confer diplomas and degrees, such as are usual in Powers and  
 American Colleges as evidences of proficiency and merit; privileges.  
 and, in a word, to enjoy all and singular the powers and  
 privileges incident to other literary institutions of the  
 State, being allowed to have a constitution and such by-  
 laws as they may from time to time adopt, for the govern-  
 ment of themselves and the institution under their care;  
*Provided*, the same shall not be inconsistent with the Con-  
 stitution and laws of the United States, or of the State of  
 Tennessee.

SEC. 79. *Be it further enacted*, That the inhabitants  
 of the Town of Bakersville, in the County of Humphreys, Town of Ba-  
 be, and they are hereby incorporated a body politic and kersville.  
 corporate by the name and style of the "Mayor and Al-  
 dermen of the Town of Bakersville," and as such shall  
 have all the rights, powers, and privileges granted by this  
 Act to the town of Gardner, incorporated by this Act, and  
 be subject to the same restrictions. The boundaries of  
 said town of Bakersville shall extend one-quarter of a  
 mile every direction from Baker's Store in said town.

SEC. 80. *Be it further enacted*, That the Town of  
 Gardner, in Weakley County, and the inhabitants within Town of Gar-  
 the limits of the same, as hereinafter defined, are hereby  
 constituted a body politic and corporate, by the name and  
 style of "The Mayor and Aldermen of the Town of  
 Gardner," and by such corporate name shall have suc-  
 cession for ninety-nine years; the right to sue and be sued,

plead and be impleaded; to grant, receive, purchase and hold real, personal, and mixed property; to dispose of the same for the use and benefit of said town, and to have and use a common seal.

**General powers and privileges.** SEC. 81. *Be it further enacted,* That the corporation aforesaid shall have full power and authority to enact such by-laws and ordinances as may be deemed necessary and proper to preserve the health of said town; to prevent and remove nuisances; to establish night watches and patrols; to ascertain, when necessary, the boundary and location of streets, lanes and alleys; to establish new streets, lanes and alleys, with the consent of the proprietors of the lots through which said streets, lanes or alleys are to run; to impose, collect and appropriate fines, penalties and forfeitures for a breach of the corporate laws or ordinances; to levy and collect taxes for the purpose of carrying into effect and operation, the necessary measures for the benefit of said town; to restrain tippling and gaming houses; and generally to adopt all laws and ordinances that may be necessary or proper to carry the intent and meaning of this Act into effect; *Provided* they are not incompatible with the Constitution and laws of Tennessee.

**Same.**

**Mayor's jurisdiction.** SEC. 82. *Be it further enacted,* That the Mayor of said town be, and he is hereby invested with concurrent jurisdiction with Justices of the Peace, in all cases of violations of the criminal laws of the State or the ordinances of the corporation within the corporate limits of said town; and shall have power to punish, by fine, all persons who may be guilty of a violation of any by-law or ordinance of said corporation.

**Election to organise.** SEC. 83. *Be it further enacted,* That whenever a majority of the adult male residents living within the corporate limits of said town desire to organize, under this charter, they shall present a written request to the Constable of their civil district notifying him to open and hold an election for six Aldermen and one Mayor of said town; and in case of his refusal, any other constable in said county, when so requested, shall, after giving ten days' notice in said town, of the time and place of holding said election, proceed upon the day appointed, to open and hold such election; and all persons entitled to vote for members of the General Assembly, who are *bona fide* residents of said town, shall be allowed to vote, and shall be eligible to such office; the judges and clerks of said election shall be chosen by said constable, and by him qualified; the polls shall be opened at 10 o'clock, A.M., and closed at 2 o'clock P.M., immediately after which the officer holding said election shall de-

**Certificates of election.**

liver to the successful candidates, certificates of their election; and such officers so elected shall hold their offices for two years and until their successors are elected and qualified, but shall not enter upon the discharge of their duties until they shall have subscribed an oath before some justice of the peace, for the faithful performance of the duties of their several offices.

SEC. 84. *Be it further enacted*, That it shall be the duty of said Mayor and Aldermen, five of whom shall constitute a quorum for the transaction of all business, to elect a Treasurer and Town-constable for said corporation, for the same time for which said Mayor and Aldermen were elected; and require of them bond and security for the faithful performance of their several duties. Treasurer and constable.

SEC. 85. *Be it further enacted*, That all vacancies in the office of Mayor, Aldermen, Treasurer or Constable, shall be filled for the residue of the term, by the Board of Mayor and Aldermen; and should an organization, under this Act, cease to exist at any time, the inhabitants of said town may reorganize, as provided in section 83 of this Act. Vacancies, etc

SEC. 86. *Be it further enacted*, That the officers of said corporation shall be entitled to receive such fees for their services as the Mayor and Aldermen may prescribe. Fees.

SEC. 87. *Be it further enacted*, That the boundaries of said Town of Gardner shall include the town as originally laid off by John A. Gardener, and also the lands at present owned by F. M. Gardner, adjoining the same, and also Samuel Peeples' yard and lot in front thereof; also twenty-five acres of W. P. Caldwell's land lying next to and north of Jno. A. Gardner's land; also seven acres belonging to Caldwell's heirs, being west of said John A. Gardner's original tract. Boundary line

SEC. 88. *Be it further enacted*, That J. R. Hickman, T. J. Coulter, Jno. P. Coulter, P. J. McDonald, V. J. Kennedy, Alex. Hickman and Wm. K. Gray, be, and they are hereby constituted a body politic and corporate by the name and style of the "Sale Creek Masonic Male and Female Institute;" and by that name may have succession for ninety-nine years, with full power to receive, purchase, hold and convey any lands, tenements, goods or chattels, which may be given, granted or devised to them or purchased by them, for the use and benefit of said institution, and the said trustees and their successors, by the name aforesaid; may sue and be sued, plead and be impleaded in any of the courts of law or equity in this State. Sale Creek Masonic Male and Female Institute.

**Powers and privileges.** SEC. 89. *Be it further enacted,* That the Trustees aforesaid and their successors, shall have power to hold such meetings at such times and places as they may think proper; to elect one member President, and a Secretary and Treasurer of said board; but not less than a majority of said Trustees shall constitute a board to do business.

**Rules and regulations.** SEC. 90. *Be it further enacted,* That the said Board of Trustees shall have power to make such rules and regulations relative to said Sale Creek Masonic Male and Female Institute and the government thereof, and their own proceedings, as a majority may deem right and proper; *Provided,* they be not inconsistent with the Constitution and laws of the State.

**How controlled.** SEC. 91. *Be it further enacted,* That said Sale Creek Masonic Male and Female Institute, shall be and continue to be under the exclusive care, control and guardianship of Masonic Lodge, No. 280, at Sale Creek, in said county; and that said Lodge may fill vacancies in the Board of Trustees when such may occur by death, resignation, removal or otherwise; and that said Lodge may from time to time, at its pleasure, appoint a new Board.

**Spiritous liquors.** SEC. 92. *Be it further enacted,* That no spiritous or vinous liquors shall be sold as a beverage in any quantity within two and one half miles of said Sale Creek Masonic Male and Female Institute.

**Penalty.** SEC. 93. *Be it further enacted,* That any person or persons violating the 92 section of this Act, shall, upon due conviction thereof, forfeit and pay one hundred dollars for each offense, one half to go to the use and benefit of said institute, the other half to the common school fund in this State.

**Free School Fund.** SEC. 94. *Be it further enacted,* That the Trustees of said institute shall have the right to appoint one of their number to call upon and receive from the Free Common School Commissioner, the County Superintendent or such person or persons as may by law be authorized to pay out the free school fund, the *pro-rata* due to any such children as may be entitled to the same and desire to have it expended for their benefit in said institute.

**Principal, Degrees, etc.** SEC. 95. *Be it further enacted,* That the Board of Trustees shall have power to employ such person as they may see fit, Principal of said Institute, and to remove the same; to fix the rate of tuition; to confer if they think proper, in conjunction with the Principal, such literary degrees and diplomas as are usual in such institutions.

SEC. 96. *Be it further enacted,* That the Board of May-



or and Aldermen of the City of Chattanooga, Tennessee, City of Chattanooga may issue bonds. and they are hereby authorized to issue the bonds of said city, not to bear a greater rate of interest than 6 per cent. *per annum*, to an amount sufficient to fund the present floating indebtedness of the said city, at the time of the passage of this Act.

SEC. 97. *Be it further enacted*, That the original charter of the Harpeth Turnpike Company is hereby revived, and that Thomas Holt, W. A. Davis, Thomas Oden, John Owen, Frank Wilson, Robert Wilson, John E. Tulloss, Hillary Roberts, George Pollard, Richard Herbert, Jacob Page and David Sawyers, and their associates and successors, are hereby created a body politic and corporate, under the name and style of the "Harpeth Turnpike Company;" and that they be vested with all the rights of the original company, except the privilege of State aid. Harpeth Turnpike Co.

SEC. 98. *Be it further enacted*, That said company shall have the power and privilege of extending said road from its present southern terminus, at Arrington, along the most practicable route, so as to connect with the Shelbyville and Triune Turnpike, near Big Harpeth; and also to extend said road from said southern terminus. Said company may construct another branch, to leave the Wilson Pike, near Crocket's Shop; running the most practicable route, by W. B. Carothers' Mill, on Big Harpeth River, to Peytonsville, in said county; and that the following names be added to the list of incorporators, viz: W. B. Carothers, Wm. F. Carter, S. N. Thomas, B. B. Toon, and E. B. Gocey. May extend road. Route, etc.

SEC. 99. *Be it further enacted*, That section 41 of An Act passed May 24, 1866, be amended by inserting in said section, after the words, "turnpike road," the words, "or constructing, grading and equipping a railroad to be operated by steam or other power, as the corporators or a majority of them shall determine." Act of May 24, 1866, amended.

SEC. 100. *Be it further enacted*, That section 50 of said Act, be amended by inserting, after the words, "turnpike road," the words, "or railroad;" and by inserting after the words, "Warm Spring Turnpike," the words, "or railroad." Section 50.

SEC. 101. *Be it further enacted*, That section 53 of said Act, be amended by adding thereto the words, "Provided, that the said corporators, prior to opening books for subscription to the capital stock of said company, shall decide, or a majority of them shall decide, whether said road shall be a turnpike road or a railroad; and the decision of said" Section 53.

corporators shall be expressed in the articles of subscription in said stock, and shall not thereafter be changed."

Powers and  
privileges.

SEC. 102. *Be it further enacted*, That all the powers vested in the Directors of said turnpike company, are hereby vested in the Directors of said railroad company, if a railroad should be decided upon, excepting that it shall not be lawful for said company to receive in lieu of tolls as compensation for transporting passengers and freight, an amount which shall exceed five cents per mile for the conveyance of each passenger, and fifteen cents per mile for the conveyance of every ton of freight, a ton to be 2,000 pounds.

Same.

SEC. 103. *Be it further enacted*, That except when controlled by the other provisions of this Act, the corporation, if organized as a railroad company, shall have the general powers and privileges conferred upon the East Tennessee and Virginia Railroad Company, except receiving the benefit of State aid.

Sweetwater  
Lodge, No.  
292, F. & A.  
M.

SEC. 104. *Be it further enacted*, That Sweetwater Lodge No. 292, of Free and Accepted Masons, in the town of Sweetwater, and the County of Monroe, be, and the same is hereby constituted a body politic and corporate, by the name and style of "Sweetwater Lodge, No. 292, of Free and Accepted Masons;" shall have succession for ninety-nine years; shall have a common seal; and by the name aforesaid, said corporation shall be capable in law to purchase, receive, hold to themselves and their successors and assigns, forever, or for a less estate any lands, tenements, goods, chattels or moneys, which may be given, granted or devised to them, or by them purchased; and to use, sell or dispose of the same, in such manner as said Lodge may determine right and proper; and said corporation shall, by their corporate name aforesaid, sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere.

Powers, etc.

Officers, pro-  
cess, etc.

SEC. 105. *Be it further enacted*, That the officers of this corporation shall be Master of the Lodge, the Senior and Junior Wardens; and the service of process issued against said corporation, upon either of said officers, shall be good and sufficient to bring said corporation before any court of law or equity in this State; and all deeds, conveyances, rights and acquittances, bonds, obligations or other papers executed by said corporation, shall be signed by the Master of the Lodge, and attested by the Secretary, under the corporate seal, when seal is necessary.

SEC. 106. *Be it further enacted*, That said Lodge at Sweetwater shall have power to erect and establish any school, Male and Female, or Male or Female, in the town

of Sweetwater, that they may deem right and proper, and May establish annually to elect five Curators, and by a code of by-laws School. prescribe their duties and powers, any three of whom agreeing, shall constitute a Board capable of transacting business; and the property, both real and personal, used for said school or schools, shall be under the control of said Curators, who shall have power to ordain and estab- Powers of Cu-lish and put into execution such by-laws and regulations rators. as may in their judgment be necessary for the successful carrying on and government of said school or schools; *Provided*, that such by-laws and regulations shall be subject to the ratification of the Lodge; and *provided further*, that the same shall not be inconsistent with the Constitution and laws of Tennessee or of the United States.

SEC. 107. *Be it further enacted*, That the Board of Curators shall have full power to confer degrees and grant Degrees, etc. diplomas or issue certificates of scholarship to such pupils as may be adjudged worthy to receive them, which shall be signed by the officers of the Lodge, the Board of Curators and the principal of the school, and to perform such other duties as shall be prescribed by the by-laws and regulations for the government of the school, and that said corporation shall be exempt from all State or county taxes, so long as the property is used for the purposes indicated in this Act.

SEC. 108. *Be it further enacted*, That J. D. Williams, Gaines Insti- W. Y. C. Humes, W. F. Boyle and G. M. Winchester, tute. and their successors in office be, and are hereby, created a body politic and corporate, under the name and style of the "Gaines Institute," with all the rights, powers and privileges necessary to the establishment of a first class High School; and in their corporate name may lease, purchase, sell and otherwise dispose of real estate, to any amount that may be necessary to sustain said Academy, and give interest and prosperity to the cause of education; may sue and be sued, plead and be impleaded, answer and Privileges. be answered in any of the courts of law or equity in this State; and generally to do any and all things imposed upon them by the provisions of this Act; and shall have succession for ninety-nine years.

SEC. 109. *Be it further enacted*, That the Trustees Officers, By- may elect such officers of their body as they may think laws, proper and most convenient to themselves; establish by-laws, rules and regulations for conducting their business, and a systematic government of said Gaines Institute,

not inconsistent with the Constitution and laws of this State and the United States.

**Vacancies, etc.** SEC. 110. *Be it further enacted*, That in the event a vacancy occurs, either from death, removal or resignation, then said vacancy shall be supplied by a vote of a majority of said Trustees. A majority of said Trustees shall constitute a quorum to do business, and their acts shall be valid in law and equity, and binding as though all were present.

**Continental Transportation Co.** SEC. 111. *Be it further enacted*, That W. W. Currie, J. W. Jefferson, A. J. Solis, N. Coronna, C. F. Smith, H. A. Montgomery, F. S. Davis and their associates and successors, are hereby created a body politic and corporate under the name of the "Continental Transportation Company," for the purpose of the transportation of cotton, merchandise and other freights east and west, north and south, or any direction, by railroad and river, and more particularly for the fast freighting of cotton and other merchandise; and by said name to use a corporate seal, and to alter and change the same at pleasure; to make such by-laws not inconsistent with the laws of this State or the United States; with full power in its corporate name to sue and be sued, to plead and be impleaded, to contract and be contracted with, to answer and be answered in any of the courts of law or equity in this State, for the period of fifty (50) years with the privilege of renewal.

**Purposes and powers.**

**Capital stock.** SEC. 112. *Be it further enacted*, That the capital stock of said company, shall be two hundred thousand (\$200,000) dollars, with the privilege of increasing it to one million (\$1,000,000) dollars, to be divided into shares of one hundred (\$100) dollars; each share shall entitle the holder to one vote either in person or by proxy, in the election of Directors; and when the sum of fifty thousand dollars, (\$50,000,) shall have been subscribed, the subscribers or stockholders, by due notice from the incorporators, shall proceed to elect five of their number as a Board of Directors, with the privilege of increasing the number to thirteen (13,) who shall serve for the term of one year, or until their successors are elected; and the said Board of Directors shall elect one of their number President and such other officers as may be deemed necessary; may also adopt such rules, rates of freight and regulations as will best promote the interest of the company; may open offices, both local and principal, for the transaction of their business at such points as may be deemed expedient,

**Organization.**

**Officers, etc.**

may appoint such officers or agents as the interest of the company may require.

SEC. 113. *Be it further enacted*, That the said company shall be capable in law to purchase, to receive by gift, hold, sell and convey such real and personal property as may be required to carry out the objects of the company, such as the purchase, and building of steamboats, the purchase and building of railroad cars and locomotives, and the purchase and erection of cotton compresses, and owning the real estate for same, and contract for and own such other property as the requirements of the company may demand. Property.

SEC. 114. *Be it further enacted*, That the said company, through its President or other officer designated by its Directory or other executive designated, shall have the right to contract with the different railroad companies, steamboats and steamboat lines, and any other companies or individuals for the carrying of the company's freight and hauling its cars; and any contract for the priority of this company's freight, or other obligations entered into with any railroad or steamboats, or steamboat lines, shall be binding unto the contracting parties; and this incorporation's right to the name of the "Continental Transportation Company," shall be exclusive. Power to contract, name, etc.

SEC. 115. *Be it further enacted*, That the subscribers to the capital stock of this company, shall pay their subscription as may be required by the Board of Directors; and that the said Board of Directors shall have the power to negotiate loans by bond or mortgage, as the requirements of the company may demand. Subscriptions.

SEC. 116. *Be it further enacted*, That this company shall pay such taxes as are now collected from similar companies in this State. Taxes.

SEC. 117. *Be it further enacted*, That so much of An Act passed February 4, 1848, entitled "An Act to authorize Benjamin Parker Hopkins, and William Tinker, of the County of Cocke, to open a turnpike road, and for other purposes," be amended so far as said Act may in any manner relate to the South-western and Alabama Railroad, or in any way be considered as an amendment relating to the incorporation of said road, so as to read, where in section 2 of said Act, the same reads, "not exceeding the sum of \$500,000," shall read "not exceeding the sum of \$100,000," and where the said section reads, "until the sum of one million and a half of subscription, shall be made"—shall be so amended as to read, "that Act of Feb. 1848, amended.

when the sum of \$200,000 shall have been subscribed," and that where in said section it reads, "when forty miles of said road shall be completed," it shall read, "when twenty miles of said road shall be completed."

Town of  
Newport.

SEC. 118. *Be it further enacted*, The corporate limits of the Town of Newport, in the County of Cocke, and State of Tennessee, shall be extended as follows, to wit: Beginning at the end on the north side of C. C. G. and C. R. Bridge, across Big Pigeon River, in Cocke County; and running thence north-west  $74^{\circ} 30'$  366 polls to the south-west corner of Pisgate's church lot; thence north-west  $10^{\circ} 70'$  polls to the Indian Ford on Pigeon River; thence north-east a direct line to the original Newport corporate limits; thence with the various meanders of the same to the War Ford Road, and with the same south to the War Ford on said Big Pigeon River; thence up the various meanders of the same to the beginning; so as to include said church and lot, and the town known as Newport Depot in said County of Cocke.

The Safe De-  
posit Co. of  
Memphis.

SEC. 119. *Be it further enacted*, That F. S. Davis, James Elder, W. M. Farrington, L. Howard, Amos Woodruff, J. M. Hill, J. J. Murphy, F. W. Smith and D. A. Shepherd, and all persons who shall hereafter become stockholders in the company incorporated, shall be a body corporate by the name of "The Safe Deposit Company of Memphis," and by that name shall have succession for ninety-nine years, and may sue and be sued in any court whatsoever; may have a common seal, and may renew and alter the same; also may have the right to hold real estate in the City of Memphis, and the same to improve or dispose of at pleasure; also the right to invest in United States and State bonds and other good and valid securities.

Purposes.

SEC. 120. *Be it further enacted*, That the purpose of this Act is to organize an incorporated company and to authorize them as such to receive upon deposit for safe-keeping, jewelry, plate, stock certificates, bonds, mortgages, wills, insurance policies and valuable property of every kind whatsoever, upon terms to be prescribed by the by-laws of said company; *Provided*, that nothing herein contained shall authorize said company to engage in the business of banking.

Capital stock.

SEC. 121. *Be it further enacted*, That the capital stock of said company shall consist of one thousand shares of the value of one hundred dollars each, with the privilege of increasing the same by a vote of the stockholders, to

five thousand shares of like value per share; and when the capital stock is so increased, the stockholders at that time, shall have the right to take the shares authorized by such increase; and the corporators or a majority of them named in the 119th section of this Act, shall have power to open books for subscriptions at such times and places as they may deem expedient; and when not less than seven hundred and fifty shares shall have been subscribed and ten *per centum* thereon shall have been paid in, the shareholders may elect seven Directors to serve until the next annual election, or until their successors shall have been duly elected and qualified; and the Directors so elected of said company when it shall have been organized, may, and they are hereby authorized and empowered to have and exercise in behalf of the corporation, all the rights and privileges which are hereby intended to be given, subject only to such liabilities as other shareholders are subject to, which liabilities shall be no more than for the payment to the company of the sums due or to become due on the shares held by them.

Organization.  
etc.

SEC. 122. *Be it further enacted*, That the office of said company shall be in the City of Memphis.

SEC. 123. *Be it further enacted*, That the Directors shall be elected annually by the stockholders on the second Tuesday of January in each and every year; and they shall elect from their number at the first meeting of the Board after their election, a President and Vice-President, and shall have power to elect a Treasurer and a Secretary and such other officers, clerks and agents as the business of the company may require. All elections for Directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him; but no person shall be eligible as a Director, who is not a stockholder. At the annual or special meetings, a quorum shall consist of stockholders owning at least one-third of the capital stock.

Annual elec-  
tions.

SEC. 124. *Be it further enacted*, That ten days' notice shall be given by publication in two papers published in the City of Memphis, of the time and place of the annual election—which election shall be conducted by three stockholders not at the time Directors.

Notice of  
election.

SEC. 125. *Be it further enacted*, That the Board of Directors shall make all by-laws necessary for conducting the business of the company, which by-laws shall be posted up in the place of business of said company, and be accessible to all parties transacting business with them. The Directors shall have power to require payment of the

By-laws,  
payments, etc.

Forfeitures,  
dividends, etc

amount remaining unpaid on the stock of said company, at such times and in such proportions as they think proper, and under the penalty—in case of non-payment as required—of forfeiture to the company of such stock and all previous payments thereon, the said assessments to be made as the by-laws of said company shall direct. The Board of Directors shall also have power to declare and pay dividends out of the earnings of the company to the stockholders, at such times and in such amounts as in their judgment may seem proper.

Bonus.

SEC. 126. *Be it further enacted*, That said company shall pay to the State Treasurer for the use of the State, a bonus of one-half of one per cent., in lieu of all other taxes on the amount of capital paid in; and the said bonus of one-half of one per cent. shall be paid in two equal annual installments, the first payment to be made in one year after the payments of the capital stock shall be made, and also a like bonus on all subsequent payments on account of the capital stock of said company in like manner; and in addition to such bonus shall pay a like tax upon dividends, as is or may be imposed by law, and be subject to all the laws of this State, regulating State and county taxes on similar institutions and corporations.

SEC. 127. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 17, 1870.

## CHAPTER LX.

AN ACT to Incorporate the Merchants' Cotton Press and Storage Company.

Corporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. R. Christian, E. N. Eakin, A. Woodruff, W. F. Harris, J. N. Kinney, M. J. Woldron, H. A. Burr, F. S. Vanalstine, and such others as may be associated with them, their successors and assigns are



hereby created a body politic and corporate, under the name and style of the "Merchants' Cotton Press and Storage Company," with succession for fifty years; and by that name and style, may sue and be sued, plead and be impleaded, defend and be defended in any court of law in this State or elsewhere; to make, have and use a common seal, revise and alter the same at pleasure; and are hereby invested with all the powers and privileges and immunities, which are and may be necessary to carry into effect the purpose and objects of this Act, as herein set forth.

Privileges.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, but the same may be increased from time to time, as shall be deemed expedient, to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; the immediate government of the company shall be vested in three or five Directors, who shall be chosen by the stockholders of the said company, in the manner hereinafter provided, who shall hold their offices one year after their election, and until their successors shall be chosen and qualified to take their places as Directors, and the said Directors, a majority of whom shall constitute a quorum for the transaction of business, shall elect one of their number President of the company; that the said Board of Directors shall have the power to appoint all necessary clerks, secretaries, agents, engineers, and all other officers necessary to the transaction of the business of the company, and shall have power to dismiss the same at pleasure.

Directors,  
powers, etc.

SEC. 3. *Be it further enacted*, That when said board is elected and organized, they shall have power, and be vested with the authority to purchase or acquire, by lease or otherwise, real and personal estate, sufficient for the transaction of their business, and may sell and convey the same at pleasure; may build cotton sheds, store cotton and other products and merchandise, and may insure the same; may erect steam and other power presses for compressing cotton for shipment to Europe or elsewhere, and may charge compensation for the same.

Business priv-  
ileges.

SEC. 4. *Be it further enacted*, That the stockholders shall be individually liable for the amount of stock subscribed by each, until the same is paid in full; no stockholder to be entitled to certificate for stock, or allowed to vote on the same, beyond the amount paid in at every election; and at every general meeting, the stockholders shall be entitled to one vote for every share owned by them respectively, and may vote in person or by proxy; a failure to elect Directors on the day designated shall not

Liability,  
voting, etc.

work a dissolution of the corporation; but such election may be held at a subsequent time, to be fixed by the Board of Directors.

By-laws, etc. SEC. 5. *Be it further enacted*, That the stockholders or Directors, shall have power to make rules and by-laws for the government of this corporation; *Provided*, the same be not inconsistent with the laws of this State or the United States, and such laws, by-laws, rules and regulations as they may repeal or alter at pleasure.

Dividends. SEC. 6. *Be it further enacted*, That the dividends of the profits of said company shall be made at such time, among the stockholders, as the Directors may determine.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 18, 1870.

## CHAPTER LXI.

AN ACT for the Relief of N. Hobson and others.

To receive earnings of E. & K. R. R. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the net proceeds or earnings of the Edgefield and Kentucky Railroad, that may hereafter accrue, over and above the necessary or running expenses thereof, to the amount of fifty-seven thousand and fifty-five dollars be, and the same is hereby appropriated to, and for, the benefit of N. Hobson, E. A. Fort, W. B. A. Ramsey, Ed. S. Cheatham and William Connell, as administrators of E. P. Connell, deceased; to indemnify and reimburse them for money paid by them, and for which they are liable to pay for, and on behalf of the said road in the purchase of material for construction, locomotion, cars, &c., for the same.

SEC. 2. *Be it further enacted*, That the President and Receiver of said road are hereby authorized and required to pay over to the said parties, jointly, said surplus or net

earning or profits, as the same may accrue or arise, to the Pres't to pay sum or amount aforesaid, and take their receipts therefor; over moneys which shall be good vouchers to him in his settlements with the Comptroller of the State.

SEC. 3. *Be it further enacted*, That in case said road should hereafter be sold for any purpose, then, and in that event, said sum so appropriated shall constitute a debt and lein upon the same, until paid; *Provided*, nothing in this Act shall be so construed as to release or deprive the State of its right or lein to the earnings of said Edgefield and Kentucky Railroad, over and above the amount which is by this Act appropriated.

SE. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate.*

Passed February 18, 1870.

## CHAPTER LXII.

AN ACT to Re-charter the Northern Bank of Tennessee, at Clarksville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Northern Bank of Tennessee, at Clarksville, with its present paid up capital stock of fifty thousand dollars, and its present stockholders, be, and it is hereby re-chartered and declared a body politic and corporate, for the term of thirty years from the expiration of its present charter, or the acceptance of this charter; and shall have the right to sue and be sued; shall have power to make by-laws for the government of said bank and its officers and agents, and for the management and disposition of its stock, as are not inconsistent with the laws of this State or of the United States. Rights, etc.

SEC. 2. *Be it further enacted*, That said bank is hereby authorized to carry on the business of banking, by discounting notes and bills, and other evidences of debt; by Banking rights:

receiving deposits, by buying and selling exchange, bonds, gold and silver, and uncurrent money; but shall not be allowed to discount notes or bills payable in the State at a greater rate of interest than six per cent. per annum; but may for bills made payable out of the State, charge such addition for exchange as may be agreed upon at the time.

**Real estate.** SEC. 3. *Be it further enacted,* That said bank may purchase, hold and convey, such real estate as may be necessary for its convenience in the transaction of its business, or as may be mortgaged to it in good faith, by way of security for loans made or moneys due, or may be made to it in satisfaction of debts previously contracted, or as it shall purchase at sale under judgment, decrees or mortgages held by it, and none other whatever.

SEC. 4. *Be it further enacted,* That all the property of said bank shall be liable to execution and sale in satisfaction of any judgment or decree that may be rendered against it.

**Bank of Athens.** SEC. 5. *Be it further enacted,* That David Cleage, A. Blizzard and Alexander H. Keith, and their associates and successors, be, and they are hereby incorporated under the name of the "Bank of Athens," and as such, shall be entitled to have and enjoy all the rights and privileges conferred on the other banks chartered in this Act.

**Bank of Disc., etc., at Bristol.** SEC. 6. *Be it further enacted,* That section 1 of An Act passed January 12, 1869, entitled "An Act to Charter a Bank of Discount and Deposit at Bristol, Tenn.," be amended by inserting the name of J. R. Anderson as one of the corporators of said Bank; and that section 2 be amended by striking out the words "one hundred thousand" and inserting "twenty-five thousand" in lieu thereof.

**Bank of Benton.** SEC. 7. *Be it further enacted,* That George Coleman, Thomas J. Briggs and their associates and successors be, and they are hereby incorporated under the name of the "Bank of Benton," and as such shall be entitled to have and enjoy all the rights and privileges conferred on other Banks by this Act.

**Dresden Bank of Deposit.** SEC. 8. *Be it further enacted,* That George R. Brasfield, Alfred Gardner, Emerson Etheridge, R. N. Irvine, W. S. Scott, D. L. Shaver and their associates be, and they are hereby incorporated into a body politic and corporate, under the name and style of the "Dresden Bank of Deposit," to be located in the town of Dresden, with

all the rights, powers, privileges and immunities granted other Banks chartered by this Act.

SEC. 9. *Be it further enacted*, That E. F. Redfield, Jackson Pryor, B. F. Bridgeman, T. G. Craighead and A. A. Hyde, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Bank of Jasper," and with a capital stock of fifty thousand dollars, to be located at the town of Jasper; shall be entitled to all the privileges contained in the above charters for banking purposes. Bank of Jasper.

SEC. 10. *Be it further enacted*, That Ed. R. Pennebaker, Samuel T. Mottley, James C. Warner, James Ruohs, George Lumsden and their associates be, and they are hereby incorporated a body politic and corporate under the name and style of the "Planter's and Union Bank of Tennessee," to be located in Nashville, Tennessee, with a capital of one hundred thousand dollars, with all the powers and privileges, and subject to the same restrictions of the Bank of the Republic, as aforesaid. Planter's and Union Bank of Tenn.

SEC. 11. *Be it further enacted*, That Hugh L. Fox and J. H. Slater and their associates are hereby incorporated under the name and style of the "Exchange Bank," of Memphis, Tennessee, with all the rights, powers and privileges conferred upon other Banks under this Act. Exchange Bank.

SEC. 12. *Be it further enacted*, That Hugh L. McClung, R. M. McClung, T. S. Webb and their associates be incorporated under the name of the "Commercial Bank of Knoxville;" with all the rights, privileges and powers and immunities conferred on other corporations by this Act, and subject to the same restrictions. Commercial Bank of Knoxville.

SEC. 13. *Be it further enacted*, That John W. James, G. L. Gillespie, J. C. Whitney, F. M. Hight, John L. Divine, P. D. Sims and J. B. Weaver, their associates, successors and assigns, be, and they are hereby incorporated a body politic and corporate, by the name and style of the "Bank of Lookout," to be situated at Chattanooga, Tennessee, with all the rights, powers and privileges, and subject to the same restrictions and liabilities as granted and imposed upon the Bank of the Republic by the provisions of this Act. Bank of Lookout.

SEC. 14. *Be it further enacted*, That Dempsey Weaver,

Mike Burns, Jos. W. Allen and George A. Howard are hereby incorporated a body politic and corporate, under the name and style of the "Bank of the South," to be located at the city of Nashville, Tennessee, with a capital of twenty-five thousand dollars, which may be increased to one hundred thousand dollars, and that they shall be entitled to all the privileges of other Banking Institutions in this State.

Bank of the  
Republic.

SEC. 15. *Be it further enacted,* That Hugh Douglas, James Whitworth, Thomas Plater, O. F. Noel, Henry Hart, R. H. Gardner, Wm. H. Evans, Sam. Watkins and Daniel Hillman their associates and successors, be, and are hereby constituted a body corporate and politic, by the name and style of the "Bank of the Republic," of the State of Tennessee; and by such name may sue and be sued, plead and be impleaded; may have succession for a period of thirty years; may have a common seal; may hold real estate, so far as the same may be necessary for banking-houses; or may be received in payment of debts or otherwise necessary for the legitimate business of the corporation.

Commence  
business.

SEC. 16. *Be it further enacted,* That, the capital stock of said bank shall not be less than one hundred thousand dollars, or more than one million dollars; and that whenever one hundred thousand dollars shall have been subscribed to the capital stock of said bank, in shares of one hundred dollars each, and the same shall have been paid in in gold or silver, or current funds of the United States; then, and not till then, said corporation may commence the business of banking.

Election of  
Directors.

SEC. 17. *Be it further enacted,* That the corporators of said bank shall locate their bank at the city of Nashville, county of Davidson and State of Tennessee; said bank shall not have less than nine Directors, who shall be elected immediately upon the organization of said bank, and annually on the first Monday in January thereafter, by the stockholders; and the Directors, at their first meeting after such election, shall appoint one of their body President of said bank; and if at any time it should so happen that an election of Directors should not be made on the day above mentioned, the corporation shall not be dissolved, but may make an election at any time within thirty days thereafter; and in case of the death or removal of any director, the place may be filled by a vote of the majority of the remaining Directors.

Failure to  
elect.

SEC. 18. *Be it further enacted,* That a majority of

said Directors shall constitute a board for the legitimate Powers of Dis-  
 transaction of all business necessary for the full and proper rection.  
 administration of the affairs of said bank; and that the said  
 Board of Directors shall have power to elect all officers of  
 said bank and to allow them such compensation as may be  
 reasonable; and may make such by-laws and regulations as  
 they shall deem necessary for the well governing and reg-  
 ulation of said bank.

SEC. 19. *Be it further enacted*, That it shall be lawful Books, liabili-  
 for any one of the Directors to examine the books of said ties, etc.  
 bank at any time; that each stockholder shall have one  
 vote for each share of stock held by him; and that the  
 stockholders shall be liable, each one for the amount of  
 stock held by him and no further; and none but a stock-  
 holder shall be eligible as a Director.

SEC. 20. *Be it further enacted*, That the Board of Di- Bonds of offi-  
 rectors shall require the Cashier and any other officers of cers.  
 the bank, including the President, to give a bond in some  
 reasonable amount, with a good and sufficient security for  
 the faithful performance of their duties and custody of its  
 affairs; dividends shall be declared and paid at such time  
 as the Directors may deem proper.

SEC. 21. *Be it further enacted*, That the corporation Powers and  
 shall have power to receive money on deposit; to loan and duties.  
 borrow money, to take and give therefor, such securities  
 as it may deem best; to invest its funds upon such terms as  
 it may deem best; to purchase and discount notes and bills  
 of exchange, and to do all other acts it may deem best for  
 the profitable and safe keeping of its funds; this bank  
 shall, on the first of July in every year, make out and  
 transmit to the Governor, a full and complete statement of  
 the affairs of said bank, under the oath of the President  
 and Cashier.

SEC. 22. *Be it further enacted*, That the stockholders Voting, etc.  
 may vote by proxy, duly authorized in writing; but no  
 stockholder shall be allowed to vote on stock not paid up;  
 and that the stock of said corporation shall be transfera-  
 ble only on the books of the company.

SEC. 23. *Be it further enacted*, That D. H. King, Bank of Jack-  
 Samuel Luckey, Milton Brown, John L. H. Tamlin, R. son.  
 W. Hall, Anderson Pyles and William M. Dunaway, and  
 their associates or successors, are hereby created a body  
 corporate, by the name and style of the "Bank of Jack-  
 son," with all the rights, powers, duties and privileges of  
 a banking corporation as conferred and imposed by the

laws of the land, on banks created by the laws of Tennessee.

**Capital Stock.** SEC. 24. *Be it further enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each; and when one thousand shares shall have been subscribed and paid in, the stockholders may meet and organize by electing a Board of Directors, which shall consist of five persons. The Board shall, of its members, elect a President and such other officers and agents as may be necessary for the government and management of said institution. Said Board shall hold their offices for one year, or until their successors are elected. The officers of the Bank, including the President, shall also hold their offices for one year, or until their successors are elected; but the Board has the power at any time, to abolish any office created by it.

**Officers, etc.**

**By-laws.** SEC. 25. *Be it further enacted,* That the Board of Directors shall have power to make and alter at pleasure, all by-laws they may deem necessary for the proper management of said Bank, and for the transfer of the stock on the books of the Bank.

**Seal, compensation, etc.** They shall also have the power to make and alter the corporation seal at pleasure; to fix the rate of compensation to the President and the other officers and agents of the Bank; and to do all other acts as are allowed by the laws of the land to Boards of Directors of banking institutions.

**Business privileges.** SEC. 26. *Be it further enacted,* That said corporation shall have power to discount notes and bills; lend money; buy and sell gold and silver, stocks and exchange, and notes of other banks; also to receive money on deposit, and allow interest thereon; to purchase and hold, or to sell, property, real and personal, necessary or proper for the working of the Bank, or in the payment and security of debts; and said institution shall have all the powers and privileges and duties and obligations conferred and imposed by the laws of the land on banking institutions created by the laws of this State, for the period of thirty years.

**Capital Stock.** SEC. 27. *Be it further enacted,* That the capital stock may be any sum not exceeding five hundred thousand dollars. The Board of Directors shall fix annually the time and place of the election of the President and Directors, of which due notice shall be given by publication. Said bank shall be located in the town of Jackson, in the County of Madison.



SEC. 36. *Be it further enacted*, That any publications Publications, required to be made by said Bank, may be made in a etc. newspaper published in the town of Columbia, or by personal notice to said stockholders. The said bank may buy and sell, exchange and deal in exchange, bonds, notes, stocks, bank notes, gold and silver coin; *Provided*, that Proviso. nothing herein contained shall be so construed as to confer upon said Bank, the right to issue notes or change tickets to pass as a circulating medium. This company shall not proceed to perform any act of banking, until twenty five thousand dollars of the stock is paid in in current funds.

SEC. 37. *Be it further enacted*, That nothing in this Act shall be so construed as to exempt banks herein char- Taxes. tered, from the payment of any tax as bankers or brokers, required by the laws of this State, now in force or hereafter passed by the Legislature.

SEC. 38. *Be it further enacted*, That the stockholders shall be personally responsible to the extent of the capital stock subscribed, of each and every bank hereby incorporated, unless the same is paid up; and in that event, assets of every kind and description, of each and every bank, shall be responsible for the debts, liabilities and deposits of each bank; and the stockholders shall be personally responsible to the creditors, to the extent of twenty-five per cent. of the capital stock subscribed; *Provided*, such legislation does not interfere with vested rights. Liabilities.

SEC. 39. *Be it further enacted*, That the Legislature reserves the right, at any time, to alter or change the char- Reservation. ters hereby created, as the necessity of the people of the State may demand.

SEC. 40. *Be it further enacted*, That nothing herein granted, shall be construed as empowering either of the banks hereby incorporated, the privilege of issuing bank Bank notes. notes; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 JONATHAN MORRIS,  
*Speaker pro tem., of the Senate.*

Passed February 21, 1870.

## CHAPTER LXIII.

AN ACT to Incorporate the Knoxville Water Company, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Hugh McClung, Wm. Morrow and C. M. McGhee, and their associates and successors, be, and they are hereby incorporated a body politic and corporate, under the name and style of the "Knoxville Water Company;" and by that name and style shall have succession for forty years; and in that name sue and be sued, plead and be impleaded in all the courts of law and equity in the State; purchase, hold and convey personal and real estate; have and use a common seal, and the same to alter or change at pleasure; and all other powers necessary to enable them to carry out the objects of the corporation.

**SEC. 2.** *Be it further enacted,* That the stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each; but the capital may be increased to one hundred thousand dollars at the discretion of a majority of the stockholders.

**SEC. 3.** *Be it further enacted,* That said company shall be entitled to all the rights and privileges, and subject to all the liabilities and restrictions of An Act passed March 11, 1868, entitled "An Act to Incorporate the Carthage Bridge Company," with the exception of the 34th section of said Act.

**SEC. 4.** *Be it further enacted,* That Nathaniel Baxter, Nicholas Hobson, Samuel D. Morgan, Michael Vaughn, John Overton, W. D. Talbot, A. G. Sanford, Edwin Taylor, Charles H. Handy, George S. Barry and John S. Vedder, and such other persons as may become stockholders in the company herein named, together with all other persons as may hereafter become their successors and assigns, be, and they are hereby created and made a body politic and corporate by the name and style of the "Tennessee Chair and Furniture Manufacturing Company," for the purpose of making and manufacturing all character of Furniture; and by the name and style of the "Tennessee Chair and Furniture Manufacturing Company," shall have full powers to have and use a common seal, the same to alter or change at pleasure; to sue and

Corporators.

Privileges.

Capital stock.

Tennessee  
Chair and  
Furniture  
Macfg Co.

Purpose and  
privileges.

be sued, plead and be impleaded in all courts of law and equity; and shall have succession for ninety-nine years; and to ordain, make, establish and put into execution such by-laws, or ordinances and regulations as may be necessary and convenient for the correct management of their business, for the use and benefit of said company, not being contrary to the laws and Constitution of the State of Tennessee or that of the United States.

SEC. 5. *Be it further enacted*, That said company shall have power, and is hereby vested with the right to lease, levy or hold to themselves or their successors or assigns, any lands or interest in lands and tenements necessary for the erection, use and occupancy of all necessary buildings, superstructures, works and machinery; or all lands or interest in lands, that may be necessary to carry into full and complete effect the purposes and objects of said company; and may appropriate, sell and dispose of the same in such manner as shall seem fit and proper to said company. May hold property.

SEC. 6. *Be it further enacted*, That said company shall have full power and authority to make, manufacture and vend any and all kinds and character of Furniture that it may desire; and to do or perform in its corporate name, all such acts and things as bodies corporate may do lawfully, for the purpose of carrying into effect the objects of this Act. Powers.

SEC. 7. *Be it further enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, which it shall be lawful to increase to the sum of five hundred thousand dollars, whenever the majority of the Directors of said company shall so determine, all of which capital stock shall be divided into shares of one hundred dollars each, to be paid in as the Board of Directors shall elect; and no stock shall be transferred or assigned, except upon the books of the Secretary of said company; said Directors to have the first privilege and refusal of all stock offered for sale by any stockholder; but said company is hereby authorized and empowered to commence business, whenever seventy-five thousand dollars of the capital stock is paid in. Capital stock etc.

SEC. 8. *Be it further enacted*, That the affairs of said company shall be managed by five (5) Directors, a majority of whom shall constitute a quorum for transacting any business for the company. The Directors shall be elected by the stockholders, and in each year, four weeks' notice having been given for that purpose in one of the daily newspapers published in the City of Nashville, designating the time and place of such election. Each Di- Election and Powers of Directors.

Voting, Officers, etc.

rector shall be a stockholder at the time of his election, and shall cease to be a Director if he shall cease to be a stockholder. The number of votes to which each stockholder shall be entitled at any such election shall be one vote for each share he may hold. The Directors thus elected shall take their seats the ensuing day, and shall immediately proceed to elect from their number a President, Vice-president and a Treasurer; they shall also elect a Secretary and such other officers and agents and business managers as they may deem necessary for the prosecution of the business of said company; and the Directors of the company first elected, shall hold their places until their successors shall be elected; and if from any cause, an election for Directors shall not be made at the appointed time, the corporation shall not for that cause be dissolved, but an election may be had on any subsequent day, notice thereof having been given as aforesaid.

SEC. 9. *Be it further enacted*, That said company shall have power to establish branch houses or manufactures, whenever said company may deem proper.

Sequatchie College.

SEC. 10. *Be it further enacted*, That Isaac Robertson, A. L. Pitts, James J. Pope, Wm. Hoshen, James M. Robeson, R. P. Lloyd, Wm. J. Boyd, Thomas O. Brown, A. H. Nail, who are or may hereafter become stockholders in Sequatchie College, which Institution is located in Bledsoe County, are hereby created a body politic and corporate, under the name and style of the stockholders of "Sequatchie College;" and shall have succession for ninety-nine years; and shall be capable in law to purchase, receive and hold, to themselves and successors, any lands, tenements, goods and chattels, which may be given, granted or devised to them, or purchased for the use of said Institution; and to appropriate and dispose of the same in such manner as to them may seem fit and proper for the benefit of said Institution; and the said stockholders and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any of the courts of this State; and may have and use a common seal, and alter the same at pleasure; and may make such by-laws and regulations for their own government as will, in their judgment, best subserve the interest of the Institution; *Provided*, the same do not conflict with the laws of the land.

Rights and Privileges.

Board of Trustees.

SEC. 11. *Be it further enacted*, That said corporators may choose a Board of Trustees, in such manner and of such number as now are or may hereafter be provided for in their by-laws; and may have power to remove the

same or any part thereof, at pleasure, and appoint or elect others in their stead; and may fill all vacancies that may occur by death, resignation or otherwise.

SEC. 12. *Be it further enacted*, That said Board of Trustees, when so chosen, and their successors, shall have power to hold such meetings, at such times and places as may be agreed upon by said Board; and may elect a President, Secretary and Treasurer from their own body, and such other officers as they may deem proper. Meetings, officers.

SEC. 13. *Be it further enacted*, That said Board of Trustees shall have power to employ all necessary teachers and lecturers; and, in connection with said teachers, shall fix the rate of tuition, prescribe the course of study and discipline, and make all such rules and regulations for the government of said College as are, or may in their judgment, become necessary; and may confer such literary degrees and diplomas as are used in such institutions; and may exercise such other powers, and enjoy such other privileges, as may be conferred upon them by the corporators, not inconsistent with the laws of the land. Teachers, literary degrees, etc.

SEC. 14. *Be it further enacted*, That An Act to incorporate the Lebanon and Gallatin Railway, and for other purposes, passed December 16, 1867, and amended on March 12, 1868, by sections 7, 8 and 9, chap. 95, be now so amended, that said railroad company shall have power to extend the line of their road from the City of Murfreesboro, in the County of Rutherford, so as to connect with any line of railroad connecting with Decatur, Alabama, passing through the town of Shelbyville, and County of Bedford; with all the rights, powers, privileges and immunities, and subject to the same restrictions and liabilities, as granted them under their said charter, passed and amended as aforesaid. Lebanon and Gallatin Railway.

SEC. 15. *Be it further enacted*, That said Gallatin, Lebanon and Murfreesboro Railroad Company shall have power to connect with either Gallatin or Hartsville, in the County of Sumner, as their President and Directors may by vote, determine to be for the best; and said company shall have power to enter into an arrangement and agreement with the Nashville and Cincinnati Railway Company, for a joint vote of county subscriptions, in the Counties of Sumner and Wilson; and said counties shall be authorized to vote such an amount of stock to be taken in the bonds of said counties, as a majority of the voters of said counties may determine by ballot, not exceeding ten per cent. on the value of the taxable property of said county or May connect. Elections to take stock.

counties; the elections to be held in the manner and form as declared in the charter to which this is amendatory.

Waverly  
High School.

SEC. 16. *Be it further enacted*, That John Wyly, James McGhee, Joseph Luff, Z. Drummond, Wm. M. Hayden, D. Cowan, H. C. Lockhart, R. W. Cooley, W. P. A. Batson, H. M. Little, B. M. Rickelly, F. M. White, James M. Martin, David O. Givin, J. N. Nolen, J. W. Drake, James W. Hollinbeck, R. C. Roper, R. L. Parker, A. J. Sanders, C. H. Ball, A. C. Stockard, H. M. McAdoo, D. C. Rudolph, T. L. Lanier, T. J. Alford, W. W. Hobb, J. H. McAdoo, Levi McCullum, B. F. McCullum, Hillman & Goodrich Brothers, S. S. Aughey, T. Merritt, and their successors in office as Trustees, be, and they are hereby incorporated under the name and style of the "Waverly High School;" and by that name may sue and be sued, plead and be impleaded, in any of the courts of law or equity; contract and be contracted with; pass all by-laws and ordinances necessary for the proper control and government of said Institution; to employ instructors, superintendents, stewards, agents, etc., and to have a common seal.

Powers of  
Trustees, offi-  
cers, etc.

SEC. 17. *Be it further enacted*, That the said Institution shall be governed by Trustees, who, and their successors in office, shall constitute a body politic and corporate, under the name aforesaid, a majority of whom shall constitute a quorum for the transaction of business; and all vacancies that may occur in their body shall be filled by the Board, at such times and upon such terms as they may hereafter prescribe in their by-laws and ordinances; they may elect from their own body a President, Secretary and Treasurer, as well as such other officers as they may think necessary; who shall hold their offices for the period of one year, and until the election and qualification of their successors.

Teachers,  
property, de-  
grees, etc.

SEC. 18. *Be it further enacted*, That said Board of Trustees shall have power to employ instructors, lecturers, superintendents; fix the rules and terms of tuition; prescribe the course of study; make all necessary rules and regulations for the government of said Institution and its property; hold real, personal or mixed property, by gift, purchase, devise or upon loan, and sell or exchange the same, as the interest of the Institution may require; to confer, upon general rules and regulations to be by them adopted, such literary degrees and diplomas as are usual in academies and colleges; and have and enjoy all the powers and privileges that are incident or necessary to corporations of this description, not inconsistent with the laws of the land.

SEC. 19. *Be it further enacted*, That said Board shall have power to receive subscriptions of stock in said Institution, in such sums and upon such terms as said Trustees may prescribe; to create and sell scholarships; to create, raise and hold an endowment fund, invested in such manner as they may direct; and the property and assets of the Institution shall be held, governed and controlled under such by-laws and ordinances as may from time to time, be enacted by said Board. Subscriptions, endowment fund, etc.

SEC. 20. *Be it further enacted*, That the signature of the President shall be sufficient to execute an order of the Board, either for the conveyance or transfer of real or personal property, or choses in action, or to create a legal liability upon said Board. Signature of President.

SEC. 20. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 24, 1870.

## CHAPTER LXIV.

AN ACT to Incorporate the Memphis Real Estate Association, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That M. D. L. Stewart, Leon Truostale, J. F. Smith, G. V. Rembant, C. S. Severson, R. S. Saunders and their associates, successors and assigns be, and they are hereby constituted a body corporate, by the name and style of the "Memphis Real Estate Association," and by that name and style shall have succession for thirty years, and shall be competent to sue and be sued, plead and be impleaded in any courts of law or equity; to have and use a common seal and alter the same at pleasure; to establish and change any by-laws for the government of said corporation; to buy or sell or loan money on real estate, bonds, bills, notes, stocks, gold, silver and all kinds of personal property; to negotiate for other persons for Corporators  
Privileges.

the purchase or sale of property, or lending of money, and may receive money on deposit for investment, or loans on any of the above named securities; *Provided*, that in all transactions of the corporation no higher rate of interest shall be charged than that allowed by the laws of the State of Tennessee, together with such rates of commissions and brokerage as may be agreed upon between the parties, not exceeding one-half of one per cent.

Proviso.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and the President and Directors may increase the capital stock to five hundred thousand dollars, if the wants of the corporation may require it.

First meeting.

SEC. 3. *Be it further enacted*, That when the sum of fifty thousand dollars is subscribed, and ten per cent. thereon paid to the incorporation herein named, the said incorporators may call a meeting of the stockholders to elect a President and three Directors, and each stockholder shall be entitled to one vote for each share of stock.

Organization.

SEC. 4. *Be it further enacted*, That when a President and three Directors have been elected, the incorporators shall issue a certificate of election, and pay over to them the money paid in on the capital stock; then the President and Directors may organize and proceed to business.

Term of office.

SEC. 5. *Be it further enacted*, That the term of office of the President and Directors shall be for one year from the day of election, and until their successors are elected and qualified; and the President and Directors may appoint such other officers as may be required for conducting the business of the corporation.

Stock, transfer.

SEC. 6. *Be it further enacted*, That no one person shall be at any one time the owner of more shares than will amount to ten per cent. of the capital stock; and no assignment or transfer of stock shall be made without the written consent of the President and Directors.

Taxes.

SEC. 7. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations in the State.

Nashville  
Real Estate  
Association.

SEC. 8. *Be it further enacted*, That L. F. Beech, H. C. Jackson, H. J. Chenly, W. C. Chadbourne and D. H. Baily, their associates and successors be, and they are hereby constituted a body corporate, by the name and style of the "Nashville Real Estate Association," and by that name and style shall have succession for thirty years; and shall sue and be sued, plead and be impleaded; and



shall be invested with all the powers and privileges, and subject to all the liabilities by this Act conferred upon the Memphis Real Estate Association.

SEC. 9. *Be it further enacted*, That the property of the individual stockholders of these incorporations hereby established, shall be responsible for all the debts, liabilities and deposits, and that the Legislature retain the power to alter, amend or abolish this charter, if deemed necessary or advisable.

SEC. 10. *Be it further enacted*, That the citizens of the town of Middleton, in the County of Rutherford be, and they are hereby constituted a body corporate and politic, under the name of the "Mayor and Aldermen of the Town of Middleton," with all the rights, privileges and immunities as are granted the citizens of the town of Smyrna, in An Act entitled "An Act to incorporate Turley English and French Institute," passed December 16, 1869, commencing with section 19, of said Act, and concluding with section 29; that the citizens of said town of Middleton shall have power to fix the boundaries of said town; *provided*, it shall not exceed one mile square.

SEC. 11. *Be it further enacted*, That W. P. Elliott, Spencer Munson, S. C. Ramage and their associates and successors be, and they are hereby incorporated under the name of the "Knoxville Real Estate Company," and as such shall be entitled to have and enjoy all the rights, powers and privileges conferred by this Act upon the Memphis Real Estate Association, and subject to the same restrictions.

SEC. 12. *Be it further enacted*, That the Town of Rogersville, in the County of Hawkins, be and the same is hereby incorporated and declared to be entitled to all the privileges of the foregoing Act.

SEC. 13. *Be it further enacted*, That L. H. Reeves, his associates, successors and assigns, are hereby incorporated a body politic, by the name and style of the "East Tennessee Real Estate Association," with all the rights, powers and privileges by this Act granted to the other real estate associations incorporated by this Act.

SEC. 14. *Be it further enacted*, That Nelson Seal, Joshua Davis, F. M. Turner, be appointed additional Commissioners of the Turnpike road from Mulberry Gap, Turnpike from Mulberry Gap to Russellville.

in Hancock County, to Russellville, in Jefferson County, Tennessee.

Franklin  
Real Estate  
Co.

SEC. 15. *Be it further enacted*, That Thomas J. Moulton, S. S. House, W. S. McLemore and their associates and successors be, and they are hereby incorporated under the name of the "Franklin Real Estate Company," at Franklin, in Williamson County, and as such, shall be entitled to have and enjoy all the rights, powers and privileges conferred by this Act upon the Memphis Real Estate Association, and subject to the same restrictions.

Chattanooga  
Real Estate  
Company.

SEC. 16. *Be it further enacted*, That John P. Long, T. B. Kirby, J. S. Welts, J. D. Blackford, and their associates, successors and assigns be, and they are hereby incorporated a body politic under the name and style of the "Chattanooga Real Estate Company," to be situated in the city of Chattanooga, Tennessee, with all the rights, powers, privileges and immunities granted by this Act, to the Memphis Real Estate Association, and subject to like liabilities and restrictions.

Sullivan County  
Manufact'g  
Company.

SEC. 17. *Be it further enacted*, That Joseph Meredith, his associates, successors and assigns be, and they are hereby constituted a body politic and corporate, by the name and style of the "Sullivan County Manufacturing Company," with the same rights and privileges of the Maury County Manufacturing Company, March 14, 1868, chapter 101, of the Acts of 1867-68.

Rock City  
Real Estate  
Association.

SEC. 18. *Be it further enacted*, That Thomas Plater, O. F. Noel, James Whitworth, and their associates, are hereby incorporated a body politic and corporate, by the name and style of the "Rock City Real Estate Association," with the same powers, rights and privileges granted to the Memphis Real Estate Association, by this Act.

Franklin Re'l  
Estate Asso'n.

SEC. 19. *Be it further enacted*, That Thomas J. Moulton, S. S. House, W. S. McLemore, A. Thomas, their associates and successors, be, and they are hereby incorporated a body corporate and politic, under the name and style of the "Franklin Real Estate Association," at Franklin, Tennessee, and are vested with all the powers, rights and privileges, as the Memphis Real Estate Association, and subject to the same restrictions.

SEC. 20. *Be it further enacted*, That A. H. Grisham,

W. D. Gentry, J. H. Brooks, J. H. Farrar, Henry Apple, Nashville Ice Chas. P. Rector, and their associates, successors and as-Manf. Co. signs, be, and they are hereby, created a body politic and corporate, under the name and style of the "Nashville Ice Manufacturing Company," and by that name sue and be sued, plead and be impleaded with, and generally to do every thing proper and necessary to carry out the provisions of this Act and promote the objects and designs of this corporation.

SEC. 21. *Be it further enacted,* That the capital stock of said company shall be twenty thousand dollars, divided Capital Stock. into shares of one hundred dollars each, with the privilege of increasing the same to an amount not exceeding thirty thousand dollars. That after the subscription of said company shall amount to four thousand dollars, in actual cash paid in, the corporators above named, may call Organizat'n. a meeting of the stockholders for an election of a President, Superintendent, Secretary and Treasurer, and for the adoption of such by-laws as may be deemed necessary.

SEC. 22. *Be it further enacted,* That the purpose, business and object of said company shall be the procuring of material, implements and machinery, necessary, proper and convenient for the purpose of manufacturing ice for the market. Purposes, etc.

Said company is hereby empowered and authorized to do and perform any and all such acts herein specified; to erect buildings, and do any and all things necessary, convenient, in or about, and concerning such business and purpose. Powers and privileges.

Said company may have, hold or transfer real or personal property. This company is subject to all restrictions of similar corporations in the State and entitled to the same privileges and exemptions.

SEC. 23. *Be it further enacted,* That John Somers, B. D. Irvine, John J. Drewry, John A. Rogers, Geo. R. Brasfield, M. D. Cardwell, J. L. McGlothlin, W. C. Scott and B. B. Edwards, be, and they are hereby, constituted a body politic and corporate by the name and style of the "President and Trustees of the Dresden High School;" and as such they and their successors shall have perpetual succession, and may have a common seal; shall be capable of suing and being sued, and pleading and being impleaded in any court of law and equity; of purchasing, receiving, and holding any lands or any other property which shall be given, granted or delivered to them, or purchased by them for the use and benefit of the said "Dresden High Rights and privileges.

School," and to appropriate, use and dispose of the same in such manner as may seem fit and proper for the use and benefit of said High School.

Powers of  
Board of  
Trustees.

SEC. 24. *Be it further enacted*, That said Trustees and their successors shall have power to hold meetings at such times and places as may be agreed upon from time to time by a majority of the Board of President and Trustees aforesaid; and to appoint a President, Secretary and Treasurer for said Board; and to fill all vacancies that may happen by death, removal, resignation or otherwise; but not less than five members shall constitute a quorum to transact business relating in any manner to the management interests, or government of said institution. Said Board of Trustees, hereby appointed, shall hold their offices until the first Saturday in August, 1872, and until their successors are elected and qualified as hereinafter provided. It shall be the duty of said Board to give notice that an election for nine Trustees will be held in the town of Dresden, on said first Saturday in August, 1872; and each stockholder shall be entitled to one vote for each share of stock by him or her subscribed and paid up, and the persons receiving a majority of the votes cast shall be trustees for the ensuing two years, and until their successors are elected in like manner and qualified. Should no election be held at the time herein prescribed, it shall be the duty of the Board upon the suggestion of any five stockholders, to give said notice and convene the stockholders upon some other day, for an election of Trustees, which when made shall be valid to all intents and purposes.

Elections.

Subscriptions,  
organisation.

SEC. 25. *Be it further enacted*, That said Trustees, appointed in section 23 of this Act, are authorized to open books of subscription for stock in said Dresden High School, in shares of twenty-five dollars each, which may be collected at such times and in such amounts as said Board of Trustees may order; and when three thousand dollars of stock shall have been subscribed, said Trustees may organize themselves into a board and exercise all the rights and benefits of this Act.

Eligibility.

SEC. 26. *Be it further enacted*, That no person shall be a Trustee of said High School unless he be a male citizen of the age of twenty-one years, and a resident of the county of Weakley.

Male Academy  
property  
may be sold,  
etc.

SEC. 27. *Be it further enacted*, That the Trustees of the Dresden Male Academy, in the county of Weakley, be and they are hereby authorized to sell any land or lands belonging to them, as Trustees, for the use and benefit of the Dresden Male Academy, and to convert the same into

money, and to sell and dispose of any other property by them held as Trustees, as aforesaid, for the use and benefit of said Dresden Male Academy; and when so sold and disposed of, they are hereby authorized to pay the proceeds of any other moneys by them held as Trustees aforesaid, to the Trustees of said Dresden High School, to be used by them as they may see fit, for the use and benefit of said Dresden High School; or should said Trustees of said Dresden Male Academy deem it most expedient, they may convey said land, by deed, directly to the Trustees of said Dresden High School; and pay over and hand over any other money or property by them, as such Trustees, held in the Dresden Male Academy, to the Trustees of the Dresden High School; a majority only of the Trustees of the Dresden Male Academy are required for the performance of the duties above prescribed; *Provided*, that before the said Trustees of the Dresden Male Academy shall make any conveyance of real estate, land or other property, as provided in this section, said Trustees shall first pay off and extinguish all debts, liabilities and demands of every kind, both legal and equitable, which may exist against said Trustees, said real estate, land or other property, because of any advancements made for said Trustees, in the purchase of said real estate or other property, or otherwise, or any debts which in law or equity may constitute a lien upon said real estate or other property.

SEC. 28. *Be it further enacted*, That the Trustees of the Dresden Female Academy, be, and they are hereby invested with the same power and authority as that granted in the foregoing section, to the Trustees of the Dresden Male Academy; a majority only of said Trustees being required for the performance of said duties. Female Academy.

SEC. 29. *Be it further enacted*, That the Trustees of said Dresden High School shall have power to make such by-laws, rules and regulations relating to said High School, the government and property thereof, as they may deem right and proper, not inconsistent with the Constitution or laws of Tennessee or of the United States. By-laws, etc.

SEC. 30. *Be it further enacted*, That the Dresden High School is established for the education of the boys and girls of the white citizens of Tennessee, and said Trustees are hereby required to locate any building erected for said Institution within the corporate limits of the town of Dresden aforesaid, or within one-half mile thereof; and the property of said Institution shall be exempt from State, county or municipal taxation. Purposes, location, etc.

**Masonic Male and Female Institute, of Gleason.** SEC. 31. *Be it further enacted*, That A. M. Smyth, Harris, J. G. Thomason, Dr. G. H. Burnett, J. W. Badley, J. P. Alexander, R. F. McSpadden, A. J. Swain, I. Covington, Wm. Phillips, J. A. Webb and J. M. Finck be, and they are hereby created a body politic and corporate, under the name and style of the "Masonic Male and Female Institute, of Gleason, Weakely County, Tennessee;" and as such shall have succession for fifty years; and by that name may sue and be sued; plead and be impleaded in any court of law or equity in this State or of the United States.

**Property.** SEC. 32. *Be it further enacted*, That the said corporation may obtain and hold, by purchase or otherwise, any property, real, personal or mixed, and may dispose of the same at pleasure, for the purposes of its organization, and not otherwise.

**By-laws, officers, etc.** SEC. 33. *Be it further enacted*, That the said corporation shall have power to enact by-laws for their own government and for the government of the Institution under their charge; and to create such offices, and generally to exercise such other powers as may be necessary to enable them to carry out the purposes of their organization; *Provided*, always, that the same are not inconsistent with the Constitution of the United States nor of the State of Tennessee.

**Vacancies, etc.** SEC. 34. *Be it further enacted*, That said Trustees above named, and their successors, shall have the power to provide for the filling of vacancies; for an increase or decrease of their number; and for the election of their successors, in such manner and at such time as they may deem proper; *Provided*, always, that no such provision shall violate the right of the majority to control.

**Taxation.** SEC. 35. *Be it further enacted*, That the property of said corporation, and such as it may hereafter possess, shall be forever exempt from taxation.

**Town of Jasper.** SEC. 36. *Be it further enacted*, That the Town of Jasper, and the inhabitants thereof, be, and they are hereby constituted a body corporate, by the name and style of the "Mayor and Aldermen of the Town of Jasper;" and by that name and style shall have perpetual succession; and may have and use a common seal; and may by that name and style sue and be sued, plead and be impleaded; may have, receive, purchase and hold property, whether real or personal; and may grant, sell and dispose of the same for the use and benefit of said town.

SEC. 37. *Be it further enacted*, That the said corporation shall have full power and authority to enact such by-laws and ordinances as it shall deem necessary and proper to preserve the health, quiet and good order of said town; by ordinance or by-laws to regulate the entire police of said town; and to establish all grades of streets, alleys, sidewalks, and to regulate the same, as to width, or by action or laying out and establishing anew, or by obstruction of the same; and to regulate the springs and the lands about the same, which are part of the property of said town; and all police regulations in relation to the public grounds round the Court-house, and all other public grounds in said town; to impose fines, duties, penalties and forfeitures for the violation of all the ordinances and by-laws of said town; and to levy and collect taxes upon all property and privileges within said corporation; and all other taxes which are or may hereafter be made taxable by the laws of this State; and to do all other things properly coming under the jurisdiction of municipal corporations not inconsistent with the Constitution and laws of the United States or of the State of Tennessee.

General powers and privileges.

Same.

SEC. 38. *Be it further enacted*, That all fines, forfeitures, duties and penalties imposed by the by-laws and ordinances of said corporation, not exceeding fifty dollars, shall be recoverable by action of debt before the Mayor of said town, or any Justice of the Peace of the County of Marion, and for sums exceeding said amount before the Circuit Court of said county.

Fines, etc.

SEC. 39. *Be it further enacted*, That, on the first Saturday in January, in each and every year, the Sheriff of Marion County or one of the Constables of said town, shall open and hold an election at the court-house in the town of Jasper, after having given five days' notice, for the election of Aldermen, who shall respectively hold their offices for twelve months and until their successors shall be elected and qualified; and all persons living within the bounds of said corporation, who shall have been residents thereof for three months previous to said election, and who are otherwise qualified and entitled to vote for members of the General Assembly; and all persons so qualified, owning real estate in said corporation, whether residents herein or not, shall be entitled to vote at said election; said election shall be adjudged by three freeholders, to be appointed and qualified by the officer holding the election; and immediately after the polls are counted out, the officer holding the election shall deliver to each person so elected to the office of Alderman, a certificate of his election; and should said officer herein authorized to advertise and hold

Election of Aldermen.

Who may vote, etc.

Certificates.

said election fail to do so on the first Saturday in January, the same may be done at any time thereafter.

Meeting, oath  
etc.

SEC. 40. *Be it further enacted*, That it shall be the duty of the Aldermen so elected, as aforesaid, within ten days after their election, to meet; and on presentation of their certificates of election to any Justice of the Peace of Marion County, he shall administer to them an oath of office, to the effect that they shall faithfully demean themselves as such during their continuance in office; and thereupon said Board shall organize themselves, a majority of whom shall constitute a quorum to transact business and proceed to elect one of their body to preside as Mayor for the current year, and until his successor shall be appointed; and also a Recorder, Treasurer and one or more constables. The Treasurer and constables shall enter into a bond with sufficient security, to be approved by the Mayor, each in the sum of ten hundred dollars, faithful to collect and pay over as required by said Board, taxes, fines, penalties and forfeitures which may be due said corporation; and the said Recorder, Treasurer and Constables shall respectively hold their offices for one year and until their successors are appointed.

Other officers.

Bond, etc.

Vacancies

SEC. 41. *Be it further enacted*, That all vacancies in Aldermen and other officers in said corporation shall be filled for the residue of the term, by the Board of Aldermen in office; and the persons so appointed by them, shall possess the same qualifications for office as if duly elected according to the provisions of section 39 of this Act.

Duty of Constable.

SEC. 42. *Be it further enacted*, That it shall be the duty of the Constable faithfully to collect and pay over to the Treasurer, on the first Mondays in January and July annually, all taxes, fines, penalties, duties and forfeitures due and owing said corporation; and on failure shall be liable on motion, before the Circuit Court of Marion County, and shall further be liable to removal from office for delinquency, at the pleasure of the Mayor and Aldermen.

Jailer of Co.

SEC. 43. *Be it further enacted*, That it shall be the duty of the Jailer of Marion County to receive and keep in jail any person who may be committed to his charge for any breach of the by-laws, ordinances and regulations of said corporation, for which he shall receive the same fees as in other cases of imprisonment.

SEC. 44. *Be it further enacted*, That the boundary of said corporation is hereby further extended, and shall hereafter embrace all that 640 acres in the County of Marion, known as the Indian or Elizabeth Park Reserve.



vation; and that all and singular, the rights, powers and duties, both at law and in equity, which were vested in and secured to William Stone, Burgess Mathews, David Oatts, Alexander Kelly, William Stephens, William King and David Miller, named as Commissioners in trust for the Town of Jasper, in a deed executed by Elizabeth Pack, on the first day of July, A. D., one thousand eight hundred and twenty-two, and recorded in the office of the Register of Deeds for the County of Marion, in Book "A," page 200, be and the same are hereby vested in the Mayor and Aldermen of the Town of Jasper.

SEC. 45. *Be it further enacted*, That all laws and parts of laws heretofore enacted upon the subject of said corporation be, and the same are hereby repealed. Boundary line, rights, etc.  
Repeated.

SEC. 46. *Be it further enacted*, That when any tax, fines, penalties, forfeitures or duty shall be levied or imposed by said corporation, upon any real estate lying within said town, and the owner or owners thereof, fail to pay said taxes, fines, penalties, forfeitures or duty within the year for which the same was levied or imposed, it shall be the duty of the Recorder upon the fact being reported to him by either of the Town-constables, that the owner or owners have no personal property upon which he can distrain, to report the said real estate to the Circuit Court of Marion, at the first or second term for the year next succeeding; and it shall be the duty of said court to enter up judgment against said real estate, for the taxes, duties or assessments remaining due and unpaid thereon; and the same shall be sold by the Sheriff, at the time and place, and in the same manner and under the same conditions as if the tax assessments or duty had been levied, assessed or imposed by, and was due either the State or County; and which sale shall vest the title in the purchaser as in other tax sales; and the Sheriff shall pay over to the Treasurer of the corporation, any and all moneys so collected, and on failure, shall be liable, on motion, as in other cases, with twelve and a half per cent. thereon. Failure to pay taxes.  
May sell property, etc.

SEC. 47. *Be it further enacted*, That in electing or appointing Town-constables, any person not a member of the Board may be selected, who is twenty-one years of age, and residing within said corporation, who shall receive the same fees for services as is allowed other constables by the laws of the State, for like services; and the Board of Aldermen, from which the Mayor, Treasurer and Recorder are elected, shall all be residents of and freeholders in said town of Jasper; and the Mayor shall be allowed such Election, fees, etc.

fees for his services as are allowed Justices of the Peace for like services.

Corporation  
taxes.

SEC. 48. *Be it further enacted*, That the land included outside of the boundary of the original plat of said town, shall not be subject to a corporation tax while held and used for woodland or farming purposes, except such portions as are occupied with and including buildings; and so far as the further portions thereof are laid off and sold, or occupied as town lots.

Election.

SEC. 49. *Be it further enacted*, That this Act shall take effect from and after its passage; and if the period be after the first Saturday in January, A. D., 1870, the Sheriff of the County of Marion shall advertise and hold an election under the provisions of this Act, for Aldermen, to serve for that year, or until their successors are elected, or appointed and qualified.

Powers of  
Mayor and  
Constable.

SEC. 50. *Be it further enacted*, That for the purpose of exercising the jurisdiction and powers hereby conferred upon said Board, the Mayor is authorized to issue all requisite process, issue orders, and to do any and all things which a Judge of a court of record might do in the conduct of proceedings in the Circuit Court; and that the Constables of said town are hereby invested with the same powers and duties conformable to the object of said Board, as though he or they were Constables for the district, as in ordinary elections under the statute.

Wesleyan Fe-  
male College.

SEC. 51. *Be it further enacted*, That a female institute of learning at Brownsville, Tennessee, is hereby chartered and incorporated by the name of "Wesleyan Female College of Brownsville."

Trustees.

SEC. 52. *Be it further enacted*, That the following persons, together with all stockholders of said institution, to be known as the "General Board of Trustees," to wit: John Williams, S. W. Tyns, A. H. Bradford, H. L. Bradford, Lewis Bond, Jonathan Eader and their successors, as hereinafter provided, constitute a corporation for ninety-nine years; that said corporation, by the name of "Wesleyan Female College," of Brownsville, may sue and be sued, plead and be impleaded in any of the courts of law and equity in this State; may acquire and hold in the name of the college, real and personal estate, by purchase, gift or otherwise; may sell or exchange the same by deed or otherwise; may have a common seal, and may alter or change the same at pleasure.

Privileges.

SEC. 53. *Be it further enacted*, That said General Board

of Trustees shall meet annually, and oftener if called together by their President; and shall elect at their regular annual meeting, a President, Secretary and Treasurer, and shall appoint a Board of Directors to consist of seven; any five of whom shall constitute a quorum to transact business; the President, Secretary and Treasurer of the General Board of Trustees, shall be the President, Secretary and Treasurer of the Board of Directors.

SEC. 54. *Be it further enacted*, That said General Board of Trustees shall have power, upon the death, resignation or removal of one of its members, to supply the vacancy by the election of some other person; they shall also have the power to make vacant the seat of any member of the Board of Trustees or Board of Directors, who shall prove himself deficient in official or moral character. Ten or more members of the General Board of Trustees shall constitute a quorum to transact business.

SEC. 55. *Be it further enacted*, That the Board of Directors shall have supervision of the officers, and management of the institution; to appoint and remove at pleasure a President of the College and as many professors or assistants as may be necessary, who shall constitute a Faculty; to assign to them their respective duties, and to fix and provide for the payment of their salaries; to appoint such agents as may be considered necessary; to adopt such by-laws not inconsistent with the Constitution of the United States and the State of Tennessee, as may be deemed necessary for the government of the College, and change the same at pleasure. Said Board of Directors shall report their action and proceedings to the general Board of Trustees at their annual meeting.

SEC. 56. *Be it further enacted*, That said Wesleyan Female College of Brownsville, is hereby empowered to confer, at the time of graduation, such diplomas and degrees upon graduating pupils, and such honorary degrees thereafter upon them or any other persons, as other institutions of learning are empowered to confer.

SEC. 57. *Be it further enacted*, That the property of said College, held for educational purposes, is hereby declared exempt from taxation while it is employed solely for such educational purposes.

SEC. 58. *Be it further enacted*, That Brunson Bayless, J. M. Coleman, M. D. L. Stewart, John T. Stratton, Samuel P. Walker, F. S. Davis, Geo. K. Duncan and A. M. Boyd, be, and they are hereby constituted a body corporate and politic, by the name of the "Trustees of the Ra-

Duties of Board.

Powers, etc.

How managed, etc.

Diplomas, etc.

Property.

Raleigh Mineral Springs Hotel Co.

Powers and  
privileges.

leigh Mineral Springs Hotel Company," and shall have power to purchase, receive and hold for themselves and their successors, any lands, goods and chattels which may be given, granted or devised to them, or purchased for the use and benefit of said hotel company; and to appropriate, use and dispose of the same for the use and benefit of said hotel company; and by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity of this State or elsewhere.

Capital stock,  
etc.

SEC. 59. *Be it further enacted*, That the capital stock of said company shall not exceed one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each. Said Trustees shall have power, at their option, to increase their number to twelve; to elect others when vacancies shall occur from any cause; to enact by-laws, and establish such regulations and conditions of membership as may be deemed necessary for the management and disposition of the interest and the affairs of the corporate body.

Books.

SEC. 60. *Be it further enacted*, That the said Trustees shall have power to elect a President, Secretary and Treasurer; to appoint all necessary agents; said Trustees shall have power to open books at such times and places as they may think best, for the subscription of stock in said hotel company, and as soon as one hundred shares shall be subscribed, a meeting of the stockholders shall be called at Raleigh, in Shelby County, by the President of said company, or by any two of the Trustees, of which meeting thirty days notice shall be given in one of the newspapers of the city of Memphis; at which meeting the stockholders shall elect seven Directors, who shall elect one of their number President; and they may elect a Treasurer and Secretary, and such other officers as they deem necessary, and may affix and award their salaries; and the Directors, President, and such other officers as they may elect, shall hold their offices for two years, and may be removed for misconduct by a majority vote of the Directors.

Elections, etc.

May issue  
bonds.

SEC. 61. *Be it further enacted*, That the Board of Directors shall have power to issue bonds not to exceed the amount of the capital stock of the company, and in such sums, on such time, and bearing such rate of legal interest as said Directors may determine; and when issued, the real and personal property of the company shall be pledged for the redemption thereof.

SEC. 62. *Be it further enacted*, That this charter shall

take effect and be in force from and after its passage, and the same shall have fifty years' succession.

SEC. 63. *Be it further enacted*, That the contributors to a fund raised at the Town of Gardner, in the County of Weakley, and applied to the erection of an Academy in said town, be and they are hereby constituted a body politic and corporate, under the name and style of "Gardner Academy;" and in that name shall have succession for ninety-nine years; shall be capable of suing and being sued, of pleading and being impleaded; of taking by purchase, grant or devise, and holding any real, personal or mixed estate, whatever; *Provided*, the clear annual value of the real estate shall not exceed the sum of ten thousand dollars. Gardner Academy.

SEC. 64. *Be it further enacted*, That John A. Gardner, Samuel Peeples, James E. Freeman, P. B. Stubblefield and William P. Caldwell, be and they are hereby constituted Trustees for said institution, with power to organize themselves into a Board, by the election of a President, Secretary and Treasurer; to collect and receive all funds that have in any way been contributed or pledged for the establishment, maintenance or benefit of said Academy, or for any of its purposes; and apply the same, and rent, lease, mortgage or convey in trust, any of said real, personal or mixed estate, either for the purpose of raising additional means or for the purpose of discharging any liabilities that may now exist or may hereafter exist, for money loaned to work done for or material furnished said institution. Trustees.  
Powers and privileges.

SEC. 65. *Be it further enacted*, That three shall constitute a quorum of said Board, with authority to transact business, to control the funds, buildings and grounds, direct and manage the school; and in the event of a vacancy in said Board, to supply such vacancy by the election of some other person, who shall be a contributor to said fund; and, if necessary, remove any member for bad or want of good behavior, and supply the vacancy in the manner aforesaid. Quorum, vacancies, etc.

SEC. 66. *Be it further enacted*, That, in the month of August, 1870, and annually thereafter, the stockholders in said institution shall elect a Board of Trustees, each stockholder being entitled in said election to one vote for each dollar of stock paid by him; and a majority of those voting shall be necessary to an election; *Provided*, that the Board hereby constituted and such as may hereafter Annual election.

be so elected, shall serve until their successors are elected and qualified.

**By-laws, etc.** SEC. 67. *Be it further enacted*, That said Trustees and their successors in office, shall have power and authority to make and change by-laws and regulations for the government of the school and control of the buildings and grounds; *Provided*, that the same are not inconsistent with the Constitution and laws of the United States nor of the State of Tennessee.

**Taxes.** SEC. 68. *Be it further enacted*, That all the property belonging to said institution, or that may hereafter belong to it, be, and the same is hereby, exempted from taxation.

**Town of Adams Station.** SEC. 69. *Be it further enacted*, That the town of Adams Station, in Robertson County, Tennessee, be, and the same is hereby, incorporated a body corporate and politic, under the name and style of the "Town of Adams Station." One Mayor and Board of Aldermen, to consist of (5) five Aldermen, and one Marshall, to be elected annually by the qualified voters of said town of Adams Station, and such other officers as may be deemed necessary by the Board of Mayor and Aldermen.

**Boundary.** SEC. 70. *Be it further enacted*, That the boundary of said town of Adams Station shall be as follows, to-wit: The boundary shall be (120) one hundred and twenty poles square from the center of the depot building of the Edgefield and Kentucky Railroad. The town of Adams Station, hereby incorporated shall have all the powers, privileges, rights and immunities as granted by An Act passed November 10, 1869, incorporating the City of Chattanooga, Tennessee, by the General Assembly of Tennessee, as may or can be applied to said town of Adams Station, in Robertson County, State of Tennessee.

**Powers, etc.**

**Town of Cedar Hill.** SEC. 71. *Be it further enacted*, That the Town of Cedar Hill, in the County of Robertson, State of Tennessee, is hereby incorporated a body politic, under the name and style of the "Town of Cedar Hill," with all the rights, powers, privileges and immunities granted by this Act to the town of Adams Station.

**Boundary.** SEC. 72. *Be it further enacted*, That the boundary of said town of Cedar Hill shall be as follows, to-wit: Beginning on a rock, (S. E. corner), running north one thousand yards to a rock; thence west eleven hundred yards to a

rock ; thence south eleven hundred yards to a rock ; thence east eleven hundred yards to the beginning.

SEC. 73. *Be it further enacted*, That Thos. H. Reeves, J. H. Dosser, L. W. Keene, James Haws, Wm. Epps, Wilberforce Wells, O. H. Kirkpatrick, J. H. Crouch, A. R. Moulton, R. M. Hopper, J. B. Hunt, A. K. Mullenix, N. M. Carr, Spencer Ball, and Jacob Hamilton, and their associates and successors, be, and they are hereby, incorporated a body politic and corporate, by the name and style of the "Jonesboro, Falls Branch and Blair's Gap Turnpike Company," and shall have succession for ninety-nine years; and by that name may sue and be sued, plead and be impleaded in any of the courts of this State; may contract and be contracted with, and have and use a common seal, and change the same at pleasure.

Jonesboro  
Fall Br., etc.,  
Turnp. Co.

SEC. 74. *Be it further enacted*, That the above incorporators be, and they are hereby, authorized to receive subscriptions to the capital stock of said company in shares of twenty dollars; and when the aggregate amount of one thousand dollars shall have been subscribed, a meeting of the stockholders may be called, to organize said company by the election of a President and seven Directors, and such other officers as may be deemed necessary to carry out the objects of this incorporation; and in all elections each share shall entitle the holder to one vote.

Capital Stock.

Organization.

SEC. 75. *Be it further enacted*, That when said company organizes as aforesaid, they may locate and construct a Turnpike or McAdamized Road from Jonesboro via. Fall Branch to Blair's Gap, or further if necessary, to Holston River; and may contract for the payment of the subscription to the capital stock, in work, or for the right of way, and adopt such rules in regard to the payment of the same as will suit the stockholders, and enable them to complete the road within five years from said organization; and all the rights, powers and privileges granted to the Jonesboro and Reedy Creek Turnpike Company are hereby granted to the Jonesboro, Fall Branch and Blair's Gap Turnpike Company; and all the provisions of said incorporating Act, not inconsistent with this Act, are hereby made a part of this Act.

Route.

Rights and  
powers.

SEC. 76. *Be it further enacted*, That when this company is organized, they may compromise with the Jonesboro and Reedy Creek Turnpike Company, relative to the location of said road as now required by their charter and amendments, from Jonesboro to Fall Branch, which compromise shall be in writing, and recorded in the Register's

Compromise.

office in Jonesboro; and shall be as effectual in the premises as if made a part of this Act, to all intents and purposes; and when so made and recorded, said Jonesboro and Reedy Creek Company may proceed to construct their road in accordance with their original charter.

Piedmont  
College.

SEC. 77. *Be it further enacted*, That S. H. Colms, Wayman Clark, Foster Finley, James Scott, Joseph G. Mitchell, J. J. Cummings, T. L. Sperry, E. L. Gardenhire, Wm. M. Simpson and Wm. Sawyers and their successors, be and are hereby constituted a body politic and corporate by the name and style of the "Trustees of Piedmont College," and by that name may have succession for ninety-nine years, with full power and authority to sue and be sued, plead and be impleaded; to answer and be answered unto in any court of law or equity in the State; and to have and use a corporate seal, which they may alter or change at pleasure.

Capital stock.

SEC. 78. *Be it further enacted*, That the capital stock of said company, shall be one hundred thousand dollars, which fund, or any portion of it, shall be subscribed as stock purchased, received as donation or otherwise, as said Trustees may direct or determine. Any five of the Trustees named in this Act, shall have power and authority to call a meeting of the Board, as soon as practicable, to make arrangements for the establishment of the College, and that said Board shall also have authority to meet from time to time, pursuant to adjournment, and so often as they may be summoned by their President.

Meetings.

Elections, etc.

SEC. 79. *Be it further enacted*, That the number of Trustees may be increased to twenty, to be divided into two classes; each consisting of ten members, to be elected biennially by the stockholders, as follows: Class No. 1 shall be elected on the first Monday in July of every even numbered years; class No. 2 on the first Monday in July of every odd numbered years; *provided*, that in said election, the stockholders shall vote by shares, each share having one vote; also, that the Trustees named in this Act shall exercise all the functions of said Board until a full and complete Board shall be duly elected.

Powers of  
Trustees.

SEC. 80. *Be it further enacted*, That a majority of the Trustees, lawfully convened, shall constitute a quorum for the transaction of all business; that the Trustees shall have full power to prescribe the course of study and discipline of the Institution; and to elect from their own number, or otherwise, a President of the College, who shall be *ex-officio* President of the Board of Trustees, and such Professors, Tutors and other officers as they may deem necessary; and



that said President, Professors and Tutors shall constitute Faculty, etc. The Faculty of the College, to whom shall be committed the superintendence of the course of study and discipline of the Institution; and that the Board of Trustees shall have full power to make, alter or amend all by-laws of said College, not inconsistent with the laws of the State of Tennessee or the United States.

SEC. 81. *Be it further enacted*, That a thorough and liberal course of education shall be provided for; and in addition to the usual course of English, Scientific and Classical study, Scientific Agriculture, Horticulture and such of the Mechanical Arts as may be deemed promotive of general improvement, may be both theoretically and practically taught; and the Trustees or Faculty may have full power to make such arrangements with students as may enable them to pay their expenses or any part thereof, while in the Institution, by their labor. Course of Study.

SEC. 82. *Be it further enacted*, That the Faculty and Trustees shall have full power to grant all such literary honors and degrees as are usually conferred by similar institutions of learning; and in testimony of such grant, to give suitable diplomas, under the seal of the College and signature of the President and Secretary of the Board, which diplomas shall entitle their possessors, respectively, to all the rights, privileges and immunities which by usage or statute are allowed to possessors of similar diplomas from other institutions of learning. Literary degrees, etc.

SEC. 83. *Be it further enacted*, That the said Piedmont College shall be established at or near the town of Location. Sparta, in the county of White; and that as soon as the location is made, the Trustees may appoint such agents as they may think suitable to travel and explain the objects of the Institution and perform such other services as the Trustees may think best calculated to promote the interests of the Institution.

SEC. 84. *Be it further enacted*, That the inhabitants of the city of Brownsville, in the county of Haywood, are hereby constituted a corporation and body politic by the name and style of the "Mayor and Aldermen of the City of Brownsville;" and by the same shall have succession for ninety-nine years; and may sue and be sued, plead and be impleaded in all the courts of law and equity, and in all actions whatever; may purchase, receive and hold property, real and personal, within said city; and may sell, lease, and dispose of the same for the benefit of said city; and may purchase, receive, and hold property, real or personal, be- City of Brownsville.

**Privileges.** yond the limits of the city, to be used for the burial of the dead; for the establishment of a hospital, poor house, work-house, or house of correction; and may sell, lease or dispose of said property, for the benefit of the city; may have a common seal and change it at pleasure.

**SEC. 85.** *Be it further enacted,* That the corporate limits of said city of Brownsville shall be and remain as they are now by law fixed and established.

**Boundaries of wards, etc.** **SEC. 86.** *Be it further enacted,* That the City of Brownsville shall be divided into four wards, the boundaries of which shall be fixed by the present Board of Mayor and Aldermen, and the number of wards as well as their boundaries may be changed from time to time, as the Board of Mayor and Aldermen may determine, always having regard to the number of inhabitants in each ward; and when wards are laid off, it shall be done by lines corresponding with the streets and alleys; the Board of Mayor and Aldermen shall designate the place of voting in each ward, and give notice thereof when the same is afterward changed.

**Mayor and Aldermen.** **SEC. 87.** *Be it further enacted,* That there shall be a Board of Mayor and Aldermen, to consist of the Mayor, elected by the qualified voters of the city, and two Aldermen from each ward, chosen by the qualified voters of each ward respectively, for one year; no person shall be an Alderman unless he be a citizen of the State of Tennessee and a *bona fide* resident in the ward for which he is elected at the time and for six months prior to his election; any Alderman, after his election, removing from his ward, shall thereby vacate his said office; each Alderman shall, before entering upon the duties of his office, take an oath that he will faithfully demean himself in said office; all vacancies in the office of Alderman shall be filled by a vote of the majority of the remaining members.

**Mayor, qualifications, etc.** **SEC. 88.** *Be it further enacted,* That the Mayor shall be elected by the qualified voters of the city at the same time the Aldermen are elected, and shall hold his office for one year and until his successor is elected and qualified; no person shall be elected Mayor who is not at the time of his election a citizen of Tennessee and a *bona fide* resident for six months preceding his election, and a freeholder of said city; when two or more persons shall have an equal number of votes for the office of Mayor, the election shall be decided by a majority of the votes of the Aldermen elect; a vacancy in the office of Mayor shall be filled in the same manner; the Mayor may fill all vacancies occurring in any office except that of Alderman until the same be filled by election.

SEC. 89. *Be it further enacted*, That there shall be City Marshal. elected by the qualified voters of the city; a City Marshal, at the same time of the election of Mayor and Aldermen, who shall hold his office for one year; no person shall be qualified to hold the office of Marshal unless he be a citizen of the State of Tennessee and a *bona fide* resident in the corporation.

SEC. 90. *Be it further enacted*, That there shall be Annual election. held an annual election for Mayor, Aldermen and Marshal, in each ward of said city, by judges of election, appointed by the existing Board of Mayor and Aldermen; said election to be held on the first Saturday in January of each and every year; the voters shall vote by ballot, and only in the wards in which they reside; non-resident freeholders may vote in the ward where their freehold is situated, and not elsewhere; three judges of election, being freeholders in their respective wards, shall be appointed by the Board of Mayor and Aldermen for each ward, who shall take an oath to be administered by the Mayor or some Justice of the Peace to faithfully and impartially discharge their duties; they shall open the polls at nine o'clock in the morning, and close them at four o'clock in the afternoon, when they shall forthwith ascertain and certify to the existing Board of Mayor and Aldermen, the result of said election; all persons owning a freehold in said city, Voting, etc. and all persons resident therein who would be qualified to vote for members of the General Assembly, shall be qualified to vote at such election; the Board of Mayor and Aldermen elect, shall meet on the first Monday after the first Saturday in January of each and every year, and be qualified and enter upon the discharge of their duties; two-thirds of the whole number of Aldermen elected being a quorum competent to transact business.

SEC. 91. *Be it further enacted*, That the Mayor and Aldermen shall have power by ordinance, to regulate the General powers and privileges of Board. amounts of salaries to be paid to the officers and appointees of the corporation; to levy and collect taxes upon all property, privileges and polls taxable by the laws of this State; to appropriate money, and to provide for the payment of the debt and expenses of said city; to make regulations to prevent the introduction of contagious diseases into said city; to establish hospitals and make regulations for their government; to prevent and remove nuisances; to make regulations to secure the general health of the city; to provide the city with water-works, cisterns, wells, pumps; and to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in

General pow-  
ers and privi-  
leges of Board

repair, streets, alleys and sidewalks, or to have the same done at the expense of the owner of the ground fronting thereto, when said owners refuse or fail, after due notice in writing, to have the work done; to provide for lighting the streets; to establish, regulate and support a night watch and patrol; to erect market houses, establish markets, and regulate the same; to provide for the erection of all buildings necessary for the use of the city; to provide for the enclosing and regulating of all public grounds or buildings belonging to said city, in or out of its corporate limits; to license, tax and regulate hackney carriages, carts, omnibuses, wagons and drays, and to fix the rates to be charged for transportation of persons or property within the city; to license and regulate porters, and fix the rates of portage; to license, tax and regulate theatrical and other shows, exhibitions and amusements; to prohibit and suppress all disorderly and bawdy houses; to provide for the prevention and extinguishment of fires; to organize and establish fire companies; to regulate, restrain or prohibit the erection of wooden buildings in any part of said town; to prevent and regulate the carrying on of manufactures dangerous in causing or producing fires, and to regulate the use of lights, candles and stove pipes; to regulate the storage of gunpowder, tar, rosin, pitch, saltpetre, gun-cotton, and all other combustible materials; to license, tax and regulate auctioneers, grocers, merchants, druggists of every description, retailers, taverns, brokers, jewelers, coffee houses, confectioners, liquor dealers, hawkers, peddlers, livery stable keepers, insurance officers, bankers, billiard tables and tippling houses; to establish standard weights and measures, and regulate the same, when not otherwise provided by law; to provide for the inspection and weighing or measuring of stone coal, wood and all other articles of fuel, cotton, hay, straw, wheat, oats, barley, rye and other grains; to regulate the vending of meats, poultry, fish and vegetables; to restrain and prevent the forestalling of provisions, and to suppress hucksters; to appoint and regulate the police and patrol of the city; to impose forfeitures and penalties for the breach of any ordinance, and to provide for their recovery; to imprison any offender or offenders for refusal or failure to discharge or to secure, according to ordinances, fines imposed upon them, either in the County Jail or in a calaboose or work-house erected or rented by the city, and put them to work for the city, either within an inclosure or on the streets or other public works, at such wages as the Board of Mayor and Aldermen may adopt by ordinance,

Same.

Same.

til such fine and costs are paid; *Provided*, that no person shall be compelled to work longer than three months for any one offense. To provide for the arrest and imprisonment until trial, in jail, calaboose or work-house, of all disorderly persons within said town, by day or by night; authorize the arrest of all persons violating any ordinance; to prevent and punish, by pecuniary penalties and imprisonment, all breaches of the peace, noise, disturbance of disorderly assemblies, in any street, house or place within said city, by day or by night. All offenses, whether civil or criminal, arising under the by-laws and ordinances of said city, shall be cognizable before the Mayor, who shall issue his warrant, directed to the Marshal, whose duty it is to serve the same; which warrant may be served on said officer, anywhere within the limits of the said county of Haywood; and upon the return of said warrant, it shall be the duty of the Mayor to hear and determine the cause, and give judgment accordingly; whenever any person is received and becomes security for a fine imposed by the Mayor, and shall fail to pay the same when the same shall be made due by ordinances, the Mayor shall cause an execution for said fine and costs, against the principal and security, which may be levied and collected by the Marshal or any Constable, out of any property of the principal or his surety, anywhere within the County of Haywood.

Mayor to issue warrants.

SEC. 92. *Be it further enacted*, That it shall be the duty of the Mayor to preside at all meetings of the Board, and take care that all the ordinances of the city are duly enforced, respected and observed within the city; to take an oath of office before he enters upon the same; to give bond with approved security in such amount as the Board of Aldermen may require; said bond to be deposited with the Recorder; and to call special sessions of the Board of the Mayor and Aldermen when he shall deem it expedient.

Duties of Mayor.

SEC. 93. *Be it further enacted*, That the Board of Mayor and Aldermen, shall, at their first regular meeting, appoint from their number, a Recorder and Treasurer, who shall hold their office until their successors are elected and qualified; and they shall, before entering upon the duties of their office, take an oath faithfully to demean themselves in office, and each shall give bond with sufficient security in such amount as the Board may determine by ordinance, conditioned for the faithful discharge of their duty, and the payment and accounting for all public money which may come into their hands, as the Board may direct; and

Recorder and Treasurer.

the Board of Mayor and Aldermen may appoint and fine the duties of any other officer they may deem proper and right for the benefit of the corporation.

Recorder.

It shall be the duty of the Recorder to keep an accurate and correct record, in a well bound book, of the minutes and proceedings of the Board, of Mayor and Aldermen. He shall issue all licenses authorized by the Board, receive therefor the amounts specified for said licences by ordinances, and pay the same over to the Treasurer, taking receipt therefor. It shall be his duty to make a just and

Assessment of property.

accurate assessment of all property, real and personal, subject to corporation tax, and return the same to the Board of Mayor and Aldermen, together with the names of persons subject to poll-tax, by the 1st day of March following his appointment. His return shall be made in a book suitable for the purpose, showing the names of persons liable for poll-tax, the names of the owners of property, the number of lots and the valuation of the same. He shall make out and have completed by the 15th day

Duplicate.

March of each year, a duplicate copy of said return, which shall give the same information as said return; and in addition, the amount of taxes due the corporation on each separate piece of property within the corporation, and also the amount of poll or other special tax. The aforesaid copy he shall furnish to the Marshal, who shall immediately commence the collection of taxes due the corporation in the collection of which he is invested with the same power and authority in the premises, that State and county tax collectors have in the collection of State and county tax; and when any lands or town lots have been assessed for city taxes, and the same remains due and unpaid on the first day of August after such assessment, and the owners have no goods or chattels within the city, from which distraint can be made, a list of said property, giving names of the owner, location, valuation and tax, certified to by the Marshal to be correct, shall be reported to the Circuit Court of Haywood county, at any term after the first day of August, for condemnation and sale by the City Marshal, and said Circuit Court shall proceed to condemn said lands or lots for city tax, as by law the courts are authorized to do in the collection of State and county taxes.

Duties of Marshal.

Report to Circuit Court.

Equalization.

SEC. 94. *Be it further enacted*, That the Board of Mayor and Aldermen shall meet on the 2d Friday of March of each and every year, and shall constitute a Board of Equalization, who shall have power to equalize assessments and shall listen to all complaints as to the assessment of property, and shall equalize and settle the same.

SEC. 95. *Be it further enacted*, That the Treasurer Moneya. shall receive and faithfully keep all monies belonging to the corporation, and receipt for the same, and pay out any money in his hands upon the direction of the Board of Mayor and Aldermen; keep a correct account of the same and turn over to his successor in office, all public money, books and papers, he may have at the time of going out of office.

SEC. 96. *Be it further enacted*, That the City Marshal shall have full power and authority to collect all fines, forfeitures and costs which may have been, or may hereafter be imposed upon any person or persons for any violation of the by-laws or ordinances of said corporation, and shall have the same power and authority in the collection of the same, anywhere in the county of Haywood, as are now had and enjoyed by any of the civil officers for said county; he shall also collect all taxes that may be assessed by the Recorder, and shall give his official receipt for all such taxes, to the tax payers, and shall have the same right and power to collect by process of law as are now allowed to collectors of county and State tax; he shall pay such public money, when collected, to the City Treasurer, taking his receipt for the same. He shall have further power and authority to arrest any person or persons charged with a violation of the by-laws or ordinances of said corporation, anywhere in the county of Haywood, and bring them before the Mayor to answer said charge. He shall also perform such other duties as may be prescribed by ordinance, and police appointed by the Board of Mayor and Aldermen shall have the same power and authority to arrests, as is given by this Act to the Marshal. Arrests.

SEC. 97. *Be it further enacted*, That the Mayor, Recorder, Treasurer and Marshal, shall make a full, complete, accurate and true account of money's received and money's paid out by each of them, to the Board of Mayor and Aldermen, at the first meeting in January, April, July and October of each and every year, which, said report shall be published by the Board of Mayor and Aldermen; when any of said officers shall fail or refuse to make said report, or render satisfactory excuse therefor to the Board of Mayor and Aldermen, his office is hereby declared vacated, and the Board shall proceed to elect his successor; at the last regular meeting in December, of each and every year, the Board shall appoint one of their number as a committee to settle with and examine the vouchers, books and papers of the Mayor, Recorder, Treasurer and Marshal. Report of moneys expended.

Removal of  
officers.

SEC. 98. *Be it further enacted*, That all officers and appointees of the Board of Mayor and Aldermen may be dismissed at any time by a majority of the Board; and the Mayor may be removed for misdemeanor in office, by a vote of two thirds of the Aldermen; and any Alderman may be removed for misdemeanor in office, by two thirds of the Board of Mayor and Aldermen.

Old ordinances.

SEC. 99. *Be it further enacted*, That all ordinances and resolutions heretofore passed, enacted and ordained by the present or preceding Boards of Mayor and Aldermen of Brownsville, and in force at the passage of this Act, shall remain and be in full force and effect until altered, repealed, or they expire by limitation.

Present officers

SEC. 100. *Be it further enacted*, That all the powers, privileges and authorities conferred by this Act on the Mayor, Board of Mayor and Aldermen and Marshal, to be elected under this Act is conferred and granted to the present Mayor, Board of Mayor and Aldermen and Marshal; and taxes assessed by the previous and existing Board of Mayor and Aldermen, shall be collected in the manner and form provided in this Act for the collection of taxes; and it shall be the duty of the present Marshal, where taxes are due and unpaid for the year 1869, and previous years, and there are no goods or chattels within the city belonging to persons from whom said tax is due, to certify to the Circuit Court of Haywood County, for condemnation and sale, the real estate of such persons, giving name of owner, location, valuation and taxes due.

Taxes, etc.

SEC. 101. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 24, 1870.



## CHAPTER LXV.

AN ACT for the Relief of Eugene Magivney, of Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his war-<sup>Warrant for</sup> want upon the Treasurer, to Eugene Magivney, of Shelby \$1,756, County, for the sum of seventeen hundred and fifty-six dollars, (\$1,756,) that being the amount expended by said Magivney, out of his individual means, for the support of patients of the State Hospital, at Memphis, and other necessary expenditures, during the year 1862, and whilst the said Eugene Magivney was Treasurer of said institution.

SEC. 2. *Be it further enacted*, That the deposit now due from the Bank of Tennessee, to Eugene Magivney, as President and Treasurer of the State Hospital, at Memphis, being the sum of \$4,701.45, be, and the same is transferred to the State of Tennessee; and the State Treasurer shall cover into the Treasury whatever may be received out of the assets of the Bank of Tennessee for said deposit, when finally settled under the decrees of the Chancery Court, and the terms of the trust deed made by the Bank of Tennessee for the benefit of its creditors.

Deposits due  
from Bank of  
Tennessee.

SEC. 3. *Be it further enacted*, That this Act be in force from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 25, 1870.

## CHAPTER LXVI.

AN ACT to Incorporate the Fayetteville Steam Wood Works Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Hugh Thomison, Jacob Vance, W. H. Morris, W. J. Stigall, J. S. Vaughn, J. F.

Powers and  
privileges.

Acklin, and D. M. Perkins, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Fayetteville Steam Wood Works Company," and by that name shall have succession for fifty years; shall have power to contract and be contracted with, sue and be sued, plead and be impleaded in all courts of law or equity in this State; to have and use a common seal, and to purchase, receive by gift or otherwise, and hold, real or personal property; and erect buildings, put up engines and other machinery and fixtures for the purpose of manufacturing wood in all its various useful and ornamental purposes.

Capital stock.

Election, by-  
laws, etc.

SEC. 2. *Be it further enacted*, That the capital stock of said company may be one hundred thousand dollars, divided into shares of one hundred dollars each; and when ten thousand dollars of stock is subscribed, the stockholders may, after giving ten days' notice of the time and place of meeting, assemble and elect five of their number Directors of said company, who shall hold their offices for twelve months, and until their successors are elected and qualified; said Directors shall elect one of their number President, and may also elect such other officers as they may deem necessary for the carrying on the business of said company; when they are organized, they shall have power to make such by-laws, rules and regulations as they may deem necessary for the carrying on the business of said company, not inconsistent with the laws of this State and of the United States; and in all elections of Directors, each share shall be entitled to one vote.

SEC. 3. *Be it further enacted*, That said company shall have all the rights and privileges granted to similar corporations, and be subject to such general laws as may be passed from time to time, for the government of corporations; and this Act be in force from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 25, 1870.

## CHAPTER LXVII.

AN ACT to Authorize William Foster, to Build a Turnpike Road across Waldens Ridge and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Foster of Bledsoe County, is hereby authorized to open a turnpike road, commencing at or near Foster's Cross Roads in Bledsoe County, and crossing Walden's Ridge by the most practicable route going down the Ridge, at or near Jack's Coal Mines in Hamilton County, and intersecting the Chattanooga and Washington Road at a convenient point between Rock Creek and the Widow Patterson's residence. Route of road

SEC. 2. *Be it further enacted*, That said road shall be opened sixteen feet wide, twelve feet in the center, to be clear of all obstructions, and shall be bridged and cauwayed when necessary, and always kept in repair; and if it shall be permitted to remain out of repair for the space of thirty days at any one time, then it shall be the duty of the Commissioners hereinafter appointed by this Act, to set said proprietors' gates open and keep the same open until said road shall be put in good order and repair, to be adjudged by said Commissioners; and if said proprietor shall, either directly or indirectly, tax or receive any toll during the time said Commissioners set said gates open, said proprietor for any such offense, shall forfeit and pay the sum of twenty-five dollars to be recovered by action of debt before any Justice of the Peace having jurisdiction of the same, by any person who will sue for the same; and if said road shall be permitted to remain out of repair for the space of six months at any one time after the Commissioners shall have set the gates open, said charter shall be forfeited. Construction, repairs, etc.

SEC. 3. *Be it further enacted*, That James M. Roberson, H. C. Greer and A. M. Anderson, are hereby appointed Commissioners of said road, whose duty it shall be, when the proprietor notifies them that said road is completed, to examine said road, and if the same is in their judgment, in the order contemplated in this Act, they shall proceed to license said proprietor to keep two toll-gates on said road, which license shall be in writing and signed by the Commissioners, and thereupon said proprietor may proceed to erect two toll-gates upon said road at such Penalty, etc.

- Toll-gates.** place as the Commissioners shall assent to; and he shall be entitled to receive the following rates of toll at each gate, to wit: for each wagon drawn by six horses, mules or oxen, 50 cents; for each wagon drawn by five horses, mules or oxen, 40 cents; for each wagon drawn by four horses, mules or oxen, 30 cents; for each wagon drawn by three horses, mules or oxen, 25 cents; for each wagon drawn by two horses, mules or oxen, 20 cents; for each one horse cart or wagon, 15 cents; for each four wheeled pleasure carriage, 40 cents; for each two wheeled carriage, 25 cents; for each horse, 5 cents; for each lead-horse,  $2\frac{1}{2}$  cents; for each horse, mule or head of cattle in a drove,  $1\frac{1}{2}$  cents; for each head of hogs or sheep,  $\frac{1}{2}$  cent, that may pass over said road.
- Rates of toll.**
- Oaths, fees, vacancies.** SEC. 4. *Be it further enacted,* That the Commissioners appointed by this Act shall, before entering upon the duties of their appointment, take and subscribe an oath to faithfully perform the duties herein imposed upon them; and said Commissioners shall each be entitled to two dollars per day for the time they may be engaged in performing the duties imposed upon them in this Act, to be paid by the proprietor of the road; and in case of death or resignation, or upon the refusal of any Commissioner to act, then the County Court of Bledsoe County shall appoint a Commissioner to fill the vacancy, and the fees shall be paid by the proprietor of the road.
- Time to complete, etc.** SEC. 5. *Be it further enacted,* That said proprietor shall be entitled to hold and enjoy the privileges of this charter for fifty years, and shall have three years from the passage of this Act to complete said road; and when one-half of said road shall have been completed as contemplated in this Act, upon examination by the Commissioners and with their consent given as provided for in this Act, the proprietor shall erect one gate.
- Milan Immigration and Real Estate Agency.** SEC. 6. *Be it further enacted,* That Frank Monroe and W. W. McCall, their associates, successors and assigns, be and they are hereby created, constituted and declared a body politic and corporate, under the name and style of the "Milan Immigration and Real Estate Agency;" and by said name and style shall have succession for the period of thirty years; and shall be capable in law to contract and be contracted with, sue and be sued, answer and be answered unto; to unite and prosecute to final judgment in any court of law or equity in this State or elsewhere; to make, have and use a common seal, and change the same at will, with all the powers necessary to acquire and hold, lease, release, buy and sell property,

real, personal and mixed, that they may desire in carry- Rights and ing on their business, with all other powers and privileges privileges. necessary for them to have; that they shall have power to buy, sell, lease, release and rent property, real, personal and mixed, on commission as agents for others.

SEC. 7. *Be it further enacted*, That this corporation shall have power to fix its capital stock, and increase or diminish it at will, or to transact all business without Capital stock, etc. capital stock exceeding two thousand dollars; and shall have power to increase or diminish the number and value of the shares of stock; and to enact all the necessary by-laws, rules and regulations for its government not inconsistent with the laws of this or the United States, as it may deem proper.

SEC. 8. *Be it further enacted*, That John C. Gillespie, W. Crutchfield, J. W. James, S. B. Lowe and George Kirkland, their associates, successors and assigns, be and they are hereby incorporated a body politic and corporate, under the name and style of the "Chattanooga Valley Turnpike Company," with power to build a turnpike from the corporate line of Chattanooga, Tennessee, up Chattanooga Valley on the eastern side of Lookout Mountain, to the Georgia State line, with all the rights, powers and privileges of the Lebanon and Nashville Turnpike Company—but shall have no State aid.

SEC. 9. *Be it further enacted*, That John W. Richardson, Benjamin Batey, J. and W. M. Sanders and their associates, are hereby constituted a body politic and corporate, under the name and style of the "Gladesville and Lizzard Turnpike Company," with the privilege of building a turnpike from Gladesville to Lizzard, crossing Stone River near the present residence of W. M. Sanders, and passing through the Town of Smyrna, with all the rights and privileges as are guarantied in the Act, authorizing a pike across Walden's Ridge.

SEC. 10. *Be it further enacted*, That J. S. Sanders and his associates and successors, are hereby authorized to erect a mill-dam across Spring Creek, in the County of Ruthersford.

SEC. 11. *Be it further enacted*, That sections 58, 59 and 60, of An Act passed March 16, 1868, changing the original charter of the Sligo Turnpike Road in DeKalb Sligo Turnpike Comp'y County, be and the same is hereby repealed.

**SEC. 12.** *Be it further enacted,* That the further time of ten years be extended to the company within which to complete the turnpike road known as the Columbia and Shelbyville Turnpike, leading from Columbia in the direction and to Loon's old mill in Maury County, and from thence to Lewisburg in the County of Marshall.

**SEC. 13.** *Be it further enacted,* That the further time of ten years is hereby granted to the Corinth and Tennessee River Railroad Company, to complete the work on said railroad.

**SEC. 14.** *Be it further enacted,* That W. L. J. Wilks, G. W. Jones, Jas. S. Renfro, Claibourn Taylor, John S. Williams, Jas. S. Cowden, Wm. H. Wilkes, M. B. Tomlinson and Jas. A. Cochran, and their successors in office, be, and they are hereby constituted a body politic and corporate, by the name and style of "Culleoka Institute," and by that name may sue and be sued, plead and be impleaded; hold, receive by gift, purchase or devise, real and personal property, and that they may sell and convey the same.

**SEC. 15.** *Be it further enacted,* That the Trustees aforesaid, any five of whom shall constitute a quorum, shall have power to hold meetings, appoint a President, Secretary and Treasurer, and fill all vacancies in their body by death or otherwise; and may, by a vote of a majority of their members increase the Trustees to fifteen.

**SEC. 16.** *Be it further enacted,* That said Trustees may, from time to time, appoint a President for said Institute, who shall be *ex officio* a member of the Board of Trustees; and make such rules and regulations for the management of the same, and for their own government, as they may deem proper; *Provided,* they shall not be inconsistent with the laws and Constitution of this State and of the United States; and they shall have power, in connection with the Faculty of said school, to confer such literary degrees as may be conferred by other literary institutions of a similar grade.

**SEC. 17.** *Be it further enacted,* That said Trustees may establish any amount, not exceeding twenty thousand dollars, as the capital stock of said Institution, and which amount, when so established, may be raised by subscription in shares of ten dollars, to constitute one share; and when the amount of the capital stock so established shall have been paid in, then the office of all the Trustees shall be declared vacant, and the stockholders shall proceed to

appoint a new and full Board of Trustees, one-third of Election of whom shall annually thereafter retire from office, and their Trustees. places shall be filled by election held at the annual meetings of the stockholders; and in voting for Trustees at said annual meeting, each share of ten dollars shall be entitled to one vote, and such vote may be given in person or by proxy. Vacancies occurring between the annual meetings of the stockholders, shall be temporarily filled by the remaining Trustees.

SEC. 18. *Be it further enacted*, That the shares of this stock shall be transferable under such rules and regulations as may be prescribed by the stockholders.

SEC. 19. *Be it further enacted*, That Ephraim Harwell, Belville H. L. Winburn, Wm. H. Jilks, J. J. Farrow, John Manf. Comp. Evans, Wm. Evans, Thomas Harwell, H. B. Reaves and B. S. Jones, are hereby constituted a body politic and corporate, by the name and style of the "Belville Manufacturing Company," for the purpose of manufacturing cotton goods; with a capital of one hundred thousand dollars; to have succession for ninety-nine years; to sue and be sued; and to have and exercise all other powers conferred on incorporated manufacturing companies in this State, not inconsistent with the laws of this State or the United States.

SEC. 20. *Be it further enacted*, That T. B. McGahey, C. Nolensville L. Bittick, Park Street, Daniel Gorman, Robert Stevens and Wilson and T. G. Shannon, and their associates, are hereby incorporated by and under the name of the "Nolensville and Wilson Pike Company," in the County of Williamson, State of Tennessee, for the purpose of building a turnpike road from the town of Nolensville to the Wilson Turnpike, and from said pike to Big Harpeth Church, all in said county, along the most practicable route; and the same are invested with all the rights and privileges of the company authorized to build a turnpike across Walden's Ridge, incorporated in the previous sections of this Act.

SEC. 21. *Be it further enacted*, That T. W. Brown, R. Stewart's Col- J. Morgan, A. Sussel, S. H. Dunscomb, J. T. Swayne, S. legiate Insti- H. Lamb, M. Magivney, Sr., and Wm. Karr, be, and they tute. are hereby constituted a body politic and corporate, by the name of the "Trustees of J. D. Stewart's Collegiate Institute," at Memphis, Tennessee, and by that name shall have succession for ninety-nine years, and a common seal; and the said Trustees and their successors, by the

**Privileges.** name aforesaid, shall be capable in law to purchase, receive and hold to themselves and their successors, forever, or for any less estate, any lands, tenements, goods or chattels which may be given, granted or devised to them or the institution, or purchased by them for the use of said institution; and said Trustees and their successors, by the corporate name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

**Powers of Trustees.** SEC. 22. *Be it further enacted,* That the Trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as may be agreed upon from time to time, by a majority of the Board, to appoint a President of their own body, and a Secretary and Treasurer, either of their own body, or as they may think most desirable; and to fill vacancies that may happen, by death, resignation, removal, failure or refusal to act, or otherwise; but not less than four members shall constitute a quorum to transact business.

**Secretary, etc.** SEC. 23. *Be it further enacted,* That it shall be the duty of the Secretary of the said Board to keep a correct journal of all the meetings and official acts of said Board, and to note the absentees; and said Board shall have power, a majority concurring and voting therefor, to declare vacant the seat of any member for unbecoming conduct.

**By-laws.** SEC. 24. *Be it further enacted,* That said Board of Trustees shall have power to make such by-laws, rules and regulations relating to said Collegiate Institute, and the government thereof, and the government of their own proceedings, as a majority of them deem right and proper; *provided,* they shall not be inconsistent with the laws of this State and of the United States.

**Literary degrees.** SEC. 25. *Be it further enacted,* That said Trustees are hereby empowered to confer at the time of graduation, degrees upon graduating pupils, and such honorary degrees thereafter, as other Institutions of learning are empowered to confer.

**Taxes.** SEC. 26. *Be it further enacted,* That the real estate used for the purpose of said school not exceeding three acres, and all property of whatever description actually used and employed for the purpose of said school shall be exempt from taxation.

SEC. 27. *Be it further enacted,* That An Act passed by the General Assembly of the State of Tennessee, on the 27th day of February, 1866, granting a charter to



Thomas Snodgrass and W. W. Goodpasture to open and keep in repair a Turnpike Road from Sparta, in White County, to Crossville in Cumberland County, be, and the same is hereby so amended as to give to David L. Snodgrass and Sevier Snodgrass, successors of the said Thomas Snodgrass, and W. W. Goodpasture, and their successors and assigns for the full length of time granted to the said Snodgrass and Goodpasture, all the rights, powers and privileges granted by said Act to the said the Snodgrass and Goodpasture, and subject them to all the responsibilities in said Act.

Sparta and  
Crossville  
Turnpike Co.

SEC. 28. *Be it further enacted*, That the interest of the proprietors in said road shall be subject to assignments by transfers on the books of said company.

SEC. 29. *Be it further enacted*, That M. F. O'Connor, Commissioners of White County and W. A. Jarvis, of Cumberland County, be, and they are hereby appointed Commissioners on said road in lieu of all other Commissioners heretofore appointed on said road, whose duty it shall be to go over the sections of said road in the respective counties at least once a year, or twice a year if necessary, and see that each of the sections of said road are kept in the repair required by the charter; and they are to have the same compensation given to former Commissioners by said Act; and said proprietors or the successors, are not required to have any other Commissioners; but should they resign or fail to act, then the County Court of each county may appoint one to serve in the place, any law coming in conflict with this provision notwithstanding.

To examine  
road.

SEC. 30. *Be it further enacted*, That Henry Stanard, Charles Bevuhn, Samuel J. Carter, Thomas Craighead, and Joseph Vaulx, Jr., and all other persons who may hereafter be associated with them in the name and style of the "Union Insurance Company," are hereby constituted a body politic and corporate, to have succession for thirty years; and by that name may sue and be sued, appear, prosecute and defend, in any court of record, or other court or place whatsoever; and may have and use a common seal, and may alter, break and renew the same at pleasure; and may purchase and hold such personal and real estate as may be deemed necessary to effect the objects of their association, and may sell and convey the same at pleasure; and may make, establish and put into execution such by-laws, ordinances and resolutions, not being contrary to the laws of this State or of the United States, as may be necessary or convenient for their regulation and government, and for the management of their affairs; and do

Union Insu-  
rance o

Business priv-  
ileges.

and execute all such acts and things as may seem necessary to carry into effect the provisions of this Act.

How m'nag'd. SEC. 31. *Be it further enacted*, That the affairs of this company shall be governed and managed by a Board of Directors, to consist of not less than five nor more than fifteen members or stockholders, as may be regulated by the by-laws of the company. The President and two Directors shall constitute a quorum for the transaction of business.

Directors. SEC. 32. *Be it further enacted*, That the persons named in the first section of this Act are hereby constituted a Board of Directors to serve as such until others are chosen, which may be done by them.

Execut. Com., etc. SEC. 33. *Be it further enacted*, That the Board of Directors shall elect a President, Vice-President, Secretary and Treasurer, who shall hold their offices for one year, and until others are chosen and qualified in their places. The Board of Directors may, and they are hereby vested with power to appoint or elect an Executive Committee, to consist of not less than two, who shall have power to transact all the business of the company in the absence of Board of Directors.

Premium notes, etc. SEC. 34. *Be it further enacted*, That premium or deposit notes may be received by the Board of Directors from the assured, which shall be paid at such time or times, or in such sum or sums, as the Directors may, agreeable to their by-laws, require to pay the expenses and losses of the company; and the Directors may fix the amount to be paid at the time of insuring, and any party applying for insurance, so electing may pay a definite sum of money in full for insurance, and in lieu of a premium note; but no member shall be bound to pay on the whole more than the amount of their premium notes and cash premiums.

Home office. SEC. 35. *Be it further enacted*, That the home office of this company shall be in the city of Nashville, in the State of Tennessee, and be removed to any other town or place in the State, when the Directors may deem it necessary and convenient to carry out the provisions of this Act.

Evidence. SEC. 36. *Be it further enacted*, That the certificate of the President or Secretary of this company, under seal of the company, stating the amount due the company from any of its members, shall be taken and received as *prima facie* evidence in any court whatever.

SEC. 37. *Be it further enacted*, That suits at law may be maintained by this company against any of its members, and any of it members against the company; and in any

SEC. 46. *Be it further enacted*, That A. E. Frankland, M. Wilman, J. Happeck, David Hankman, Charles Sloss, W. Oaminbee and C. Glensburg, and their associates, successors and assigns, be, and they are hereby created a body politic and corporate, by the name and style of the "Bnai Brith Mutual Endowment Association, of the City of Memphis," and as such shall have succession for ninety-nine years, with power to sue and be sued, plead and be impleaded, answer and be answered, in all the courts of law and equity in this State; shall have power to buy, hold, own, sell and transfer real and personal property for the purpose of erecting school houses, meeting rooms, and cemeteries for the burial of the dead; shall have power to make and use a common seal, and to alter the same at will; and shall have power to invest their funds in such manner and in such stocks as to the company may seem best for the interest of the same; and shall have all and other and further power, as shall be necessary to carry out all the provisions of this Act, and all such other acts as are common to corporations or charitable purposes.

Bnai Brith  
Mu. End'm't  
Ass'n.

Powers and  
Privileges.

SEC. 47. *Be it further enacted*, That the capital stock of said company shall not be less than five thousand dollars, with the privilege of increasing the same to one hundred thousand dollars; twenty-five dollars shall constitute a share in said company; and one share in said company shall entitle a party to vote, with a privilege to cast the same by proxy.

Capital stock.

SEC. 48. *Be it further enacted*, That whenever said company shall have the amount of five thousand dollars subscribed, they shall have power to meet and elect from among their number, a President and all such other officers as may be necessary to carry out the provisions of this Act.

Organization.

SEC. 49. *Be it further enacted*, That the officers and members, and all who shall hereafter become and continue officers and members of the benevolent association known by the name of the "Septineal Institute of the Order of the Sun, of the City of Memphis," in the County of Shelby, in the State of Tennessee, be, and they are hereby constituted a body politic and corporate, under the name and style aforesaid, with full power, in their corporate capacity, to sue and be sued, plead and be impleaded; to purchase and hold real and personal property, stock and incorporated hereditaments; and may dispose of the same in such manner as said society or association may think

Septineal In-  
stitute of the  
Order of the  
Sun.

Privileges.

proper, by the sale of shares or otherwise, as may be best conducive to the interest of said society.

Powers, etc.

SEC. 50. *Be it further enacted*, That said society or order may use a common seal, and change the same at pleasure; and establish from time to time, such by-laws and regulations as may be for the good order of said society, not inconsistent with the Constitution of the United States and of the State of Tennessee; and do and perform all other acts for their benefit, not inconsistent with the privileges herein granted.

Charters, etc.

SEC. 51. *Be it further enacted*, That Dr. John B. Russell and Merrick F. Pease, and their associates, be, and they are hereby fully authorized to organize said society, in the City of Memphis; and to grant dispensations and charters to subordinate Lodges or societies throughout the State of Tennessee, under the provisions of this Act, and in conformity with the by-laws of said Order.

Nash. Hebrew Ladies' Benev't Soc'y.

SEC. 52. *Be it further enacted*, That Dorah Sulzbacher, Bertha Lusky, Bertha Schwarz, Ida Bernheim, Sarah Felderman, C. Karger, M. Crounstein and Sophia Shyer, their associates and successors, be, and they are hereby constituted a body corporate, by the name and style of the "Nashville Hebrew Ladies' Benevolent Society," for the purpose of relieving the needy and distressed, attending upon the sick; and for such other worthy and charitable purposes as the constitution and by-laws of said society may provide for.

Powers and privileges.

SEC. 53. *Be it further enacted*, That said corporation may have and use a common seal; may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity, in this State or elsewhere; and may hold and keep books or any other property which may be purchased by them or given, granted or devised to them, whether real, personal or mixed, not exceeding fifty thousand dollars in value, and may sell and convey the same at pleasure; and may in general, exercise all powers belonging to corporate bodies, for the purposes named in the 52d section of this Act.

Corporate limits of Morristown.

SEC. 54. *Be it further enacted*, That the corporate limits of the town of Morristown be, and they are hereby extended and defined by the following line, to wit: Beginning in the center of the East Tennessee and Virginia Railroad, at the point where the road leading from Beans Station to the mouth of Nolachucky river crosses said

Railroad; thence south thirty-six and one-half degrees, east, ten poles and twenty links, to a locust tree in Dr. J. E. Robertson's yard; thence south thirteen degrees east, fifty-two poles, to a stake in the eastern edge of the road leading toward Nolachucky river; thence north sixty-five degrees east, 444 poles, to a stake; thence north twenty-five degrees west, 233 poles, to a stake; thence south sixty-three degrees west, 438 poles, to a stake in the road before mentioned, leading from Beans Station to the mouth of Nolachucky river; thence with said road south, thirty-three degrees east, one hundred and thirty-three poles, to the beginning. And that said corporation shall have all the rights, powers and privileges over and within the territory embraced in the foregoing limits; that said corporation now has by the several Acts creating and defining the powers of said corporation, and be subject to all the duties and liabilities imposed upon said corporation by the provisions of said Act; and that the provisions of An Act passed November 21, 1867, entitled "An Act to reduce the several Acts incorporating the town of Morristown in one Act, and to amend the same," be so amended as to include the above defined boundary in its provisions; *Provided*, that land embraced in the corporate limits of said town, as defined by this Act, used only for farming purposes, shall not be subject to taxation for corporation purposes, until the same is laid off into town lots.

Boundary line.

Powers and privileges.

Proviso.

SEC. 55. *Be it further enacted*, That the acts of the Board of Mayor and Aldermen of said town in levying and collecting taxes in what was supposed to be in the corporate limits of said town, in the years 1867 and 1868, is hereby legalized, and that said Board of Mayor and Aldermen are hereby authorized and empowered to collect the taxes so assessed, in the same mannner that they are empowered to do by existing laws.

Acts legalized.

SEC. 56. *Be it further enacted*, That section 70, chapter 127, passed March 15th, 1860, be, and the same is hereby repealed.

SEC. 57. *Be it further enacted*, That John S. Carney, D. D. Manney, Samuel Mitchell, Thomas Ewing, Ferdinand Miles, William Mitchell, Julius Wade, and James E. Stockard, of Ruthford county, be, and they are hereby appointed commissioners to open books and receive subscriptions, to construct a Turnpike road from Murfreesboro, to the town of Jefferson. The Commissioners shall call the stockholders together and elect five Directors, who may elect one of their number President; and the President

Murfreesboro and Jefferson Turnpike Co.

and Directors thus chosen, may elect a Secretary and Treasurer, locate the road, and be a body corporate and politic, by the name of the "President and Directors of the Murfreesboro and Jefferson Turnpike Company," with all the privileges granted to the Murfreesboro and Wilkinson Cross Road Turnpike Company.

SEC. 58. *Be it further enacted*, That said company may receive subscriptions of stock to said road, in money or work upon said road, as may be agreed upon. Nothing in this Act shall be construed as giving State aid to said company.

SEC. 59. *Be it further enacted*, That the Murfreesboro and Jefferson Turnpike road shall have its beginning at a point between Stone's River and the corporation line of the town of Murfreesboro.

SEC. 60. *Be it further enacted*, That Charles Kostroch, W. Y. C. Humes, Samuel H. Duonscomb, W. L. Scott, Alvis G. Scott and Carrick W. Heiskell and all others, who may hereafter be associated with them, are hereby declared to be a body politic and corporate, under the name and style of the "American Passenger Insurance Company," and by that name may sue and be sued, plead and be impleaded, in all courts of record, and elsewhere; they may have succession for ninety-nine years, and have and use a common seal, which they may break or renew at pleasure.

SEC. 61. *Be it further enacted*, That the principal office of the company shall be located in the City of Memphis, Tennessee.

SEC. 62. *Be it further enacted*, That the business of this company shall be to make insurance upon the lives of persons traveling by land or water, as well in the United States, as out of them, against the accidents of such travel, for such times, in such modes, upon such rates and for such amounts, as the Board of Directors of the company shall, from time to time, determine; with power also in their discretion, to insure against injury not affecting life, resulting from the accident of travel.

SEC. 63. *Be it further enacted*, That the corporate powers of the company, shall be vested in and exercised by a Board of Directors, at first not exceeding six, and by such other officers and agents as the Board may empower. A majority of the Directors shall constitute a quorum for the transaction of business.

SEC. 64. *Be it further enacted*, That the Board of Directors in addition to powers above conferred upon them,

may prescribe by-laws for the government of the company, its officers and agents, and generally perform such acts as shall appear for the best interests of the company. By-laws, etc.

SEC. 65. *Be it further enacted*, That the persons named in the first section of this Act shall be the first Directors of the company, and shall hold their office until the first day of January, 1871, and until their successors are elected and qualified; with power to increase the number of Directors not exceeding twenty, five of whom, after the number is increased above six shall constitute a quorum; and all vacancies occurring, may be filled by the remaining members of the Board. First Directors.

SEC. 66. *Be it further enacted*, That the first election of Directors shall be held on the first day of January, 1871, and annually thereafter; and no person shall be a Director unless he is a stockholder; and the company may, by by-laws, determine the amount of stock necessary to make a stockholder eligible as a Director. The election shall be held at the office of the company, in such manner as the Board of Directors shall determine. In every election of Directors, each stockholder shall be entitled to one vote, and vote in person or by proxy, for each share of capital stock owned and held by him or her, in his or her own name and right, for not less than ten days preceding such election; *Provided*, that no person shall vote more than fifty votes; and in case of a failure to elect on the day specified, the corporation shall not be deemed to be dissolved, but may hold an election at any future day after the President or Secretary has informed each stockholder, personally or by letter, or has given notice for two weeks previous to such election, in some newspaper published in Memphis. Annual Election of Directors.  
Proviso.

SEC. 67. *Be it further enacted*, That the Board of Directors shall, after the organization of the company, and at the first meeting of the Board, after each annual election, elect from their number a President, Secretary and such other officers as they may deem necessary, who shall hold their offices for one year and until their successors shall be elected and qualified; and in case of the absence or inability of any of the officers, the Board of Directors may temporarily supply their places; and in case of the misfeasance or malfeasance of any officer of the company, two-thirds or more of the Board of Directors may, by a two-thirds vote of those present, declare such office vacant, and by the same vote may elect a successor to hold such office until the election and qualification of his successor. Other officers.  
Vacated.

SEC. 68. *Be it further enacted*, That the capital stock

Capital stock.

of this company shall not be less than one hundred thousand dollars, and not more than one million dollars, as the Directors may determine; this stock shall be divided into shares of one hundred dollars each, which shall be transferable on the books of this company.

Com's may open books.

SEC. 69. *Be it further enacted*, That the Board of Directors may, if the stock is not otherwise subscribed, at any time after the organization of the company, appoint one or more Commissioners to open books of subscription to the stock, by first giving not less than three days' notice in some newspaper in the city of Memphis; said books shall remain until one hundred thousand dollars shall have been subscribed and ten per cent. thereof paid in; after which the company may proceed to business; the remainder of the subscriptions shall be paid in at such times and in such manner as the Directors may determine.

Real estate.

SEC. 70. *Be it further enacted*, That this corporation may hold such real estate as shall be necessary for the transaction of its business, and may sell and convey the same at pleasure.

SEC. 71. *Be it further enacted*, That this corporation shall pay the usual tax imposed on insurance companies in this State.

Sequatchie College.

SEC. 72. *Be it further enacted*, That Isaac Roberson, A. L. Pitts, Jas. J. Pope, Wm. Hasken, James M. Roberson, R. T. Lloyd, Thomas O. Brown, A. H. Nail and others who are or may hereafter become stockholders in Sequatchie College, which Institution is located in Bledsoe County, are hereby created a body politic and corporate under the name and style of the "Stockholders of Sequatchie College," and shall have succession for ninety-nine years, and shall be capable in law to purchase, receive and hold to themselves and their successors, any lands, tenements, goods, and chattels, which has been or may hereafter be given, granted, or devised to them, or purchased for the use of said Institution; and to appropriate and dispose of the same in such manner as to them may seem fit and proper for the benefit of said Institution; and the said stockholders and their successors, by the name aforesaid may sue and be sued, plead and be impleaded in any of the courts of this State; may have and use a common seal, and alter the same at pleasure; and may make such by-laws and regulations for their own government as will, in their judgment, best subserve the interest of said Institution; *Provided*, the same do not conflict with the laws of the land.

Powers and privileges.



SEC. 73. *Be it further enacted*, That said corporation may choose a Board of Trustees in such manner and of such number as now or may hereafter be provided for in their by-laws; and may have power to renew the same or any part thereof, at pleasure; and appoint or elect others in their stead; and may fill all vacancies that may occur by death, resignation or otherwise. Trustees.

SEC. 74. *Be it further enacted*, That said Board of Trustees, when so chosen, and their successors, shall have power to hold such meetings at such times and places as may be agreed upon by said Board, and may elect a President, Secretary and Treasurer from among their own body and such other officers as they may deem proper. Meetings, etc.

SEC. 75. *Be it further enacted*, That said Board of Trustees shall have power to employ all necessary Teachers and Lecturers, and in connection with said Teachers, shall fix the rate of tuition, prescribe the course of study and discipline, and make all such rules and regulations for the government of said College as are, or may hereafter, in their judgment, become necessary; and confer such literary degrees and diplomas as are usual in such institutions; and may exercise such other powers, and enjoy such other privileges as may be conferred upon other corporations, not inconsistent with the general laws of the land. Teachers, degrees, etc.

SEC. 76. *Be it further enacted*, That Enoch Taylor, Edson R. Hart, C. S. Sewerson, Thompkins A. Lewis and James M. Carver, together with such other persons as shall subscribe to the stock hereinafter authorized, and their successors, be, and are hereby constituted a body politic and corporate in law, by the name of "The Atlantic and Pacific Transportation Line," for the purpose of carrying on a general forwarding and express business in the transportation from place to place, of all goods, chattels, merchandize, bullion, specie, money bills, notes, bonds, mortgages, and other property which may be entrusted to said company for such purposes. Atlantic and Pacific Transportation Line.

SEC. 77. *Be it further enacted*, That the capital stock of said corporation shall be two hundred and fifty thousand dollars, and may, at any time, by the vote of a majority in value of the stockholders of said company, be increased to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and the said stock shall be deemed personal property, transferable only on the books of the company; and subscriptions thereto shall be made and be paid in at such times, in such manner, and upon such notice as the Directors of said company Capital Stock,

may appoint; and the office of said company shall be located in Memphis, Tennessee, where all elections for Directors and officers shall take place.

Commence  
business, etc.

SEC. 78. *Be it further enacted*, That the said company may commence business whenever one hundred thousand dollars of the capital stock shall have been subscribed for and for carrying out the purposes mentioned in the first section of this Act, may purchase or receive and hold and use, such real and personal property as the said company may deem necessary for the convenient transaction of the business aforesaid.

How m'ng'd.

SEC. 79. *Be it further enacted*, That the property and business of said company shall be managed and conducted by a Board of five Directors, a majority of whom shall constitute a quorum for the transaction of business, and who, as soon as practicable after their election, shall appoint a President, Secretary and Treasurer from among their number. The said Directors shall be elected annually by the stockholders of said company in such manner as the said company may prescribe; said Directors shall hold their office for one year, and until their successors are chosen; and it shall be the duty of said Secretary to notify the stockholders in said company of such meetings for the election of Directors, by mailing to the address of each stockholder, as the same appears on the books of the company, at least thirty days before such meeting, notice of the time and place when and where the same shall be held; and at all elections of Directors each stockholder shall be entitled to cast one vote for each share of the stock he or she may hold in said company; and may cast the same in person or by proxy duly authorized; *Provided*, that only stockholders in said company shall be eligible as Directors.

Election for  
Directors.

Failure to  
elect, etc.

SEC. 80. *Be it further enacted*, That the corporation named in the first section of this Act, shall constitute the Board of Directors of said company until the first election of Directors, pursuant to the provisions of this charter hereinafter made; and in case an election of Directors shall not be regularly held on any day specified therefore this charter shall not be void by reason of the want of such election, or of any irregularity therein; but such election shall be held as soon as practicable thereafter upon notice given as aforesaid. Any vacancy occurring in the Board of Directors, by the death, resignation or removal of a Director, may be filled by the remaining members of said Board.

SEC. 81. *Be it further enacted*, That the Board of Directors of said company may make all such by-laws

rules and regulations as they may deem proper, consistent with the Constitution and laws of this State; and may provide for general or special meetings of the stockholders; and shall have power to sell, mortgage, or otherwise dispose of the real and personal property of said company; and to purchase and hold real and personal property for the purposes specified in the first section of this Act; and to make contracts with persons and corporations for the convenient transaction of the affairs of said company.

SEC. 82. *Be it further enacted*, That, if any stockholder in said company after being duly notified to pay any installment on his or her stock lawfully required, shall refuse or neglect to pay such installment at the place and time appointed, and for the space of thirty days thereafter, such stockholder shall forfeit to the use of said company every share of stock on which the installment so required remains unpaid.

SEC. 83. *Be it further enacted*, That, at any lawful meeting of the stockholders, a majority in value of those voting may vest any or all the powers of the said corporation in the Board of Directors, who may thereupon exercise powers so vested as fully to all intents and purposes as the said corporation is or may be entitled by law to exercise the same; *Provided*, that at any lawful meeting the said stockholders may, by a similar vote, revoke any of the powers so vested.

SEC. 84. *Be it further enacted*, That J. H. Buman, Thomas D. Griffin, J. J. Rowls, J. W. Hodges and W. B. Robinson, be, and they are hereby constituted a body politic and corporate, under the name and style of the "Wells Hill and Pleasant Plains Turnpike Company," with the power and for the purpose of building a turnpike road from the south terminus of the Fayetteville and Wells Hill Turnpike in Lincoln County, Tennessee, to Pleasant Plains in said county, a distance of fifteen miles.

SEC. 85. *Be it further enacted*, That they shall have the power to erect said turnpike on the nearest and most practicable route; open a gate for the collection of toll whenever five miles of said road is built, commencing at Wells Hill; and for every additional five miles of the road when completed, an additional gate may be erected.

SEC. 86. *Be it further enacted*, That said company shall have all the privileges, powers and immunities, and be governed by the same rules, restrictions, descriptions and specifications in every particular, when applicable, as

By-laws,  
property, etc.

Failure to  
pay install-  
ments.

Powers of  
Directors.

Wells Hill  
and Pleasant  
Plains Turn-  
pike Co.

Location,  
gates, etc.

and shall possess all the qualifications of electors within the city of Cleveland, Tennessee, as the same now are or may hereafter be defined by law.

**Ex officio.** SEC. 96. *Be it further enacted,* That the Board of Mayor and Aldermen of the city of Cleveland, and their successors in office, be, and they are hereby declared to be *ex officio* Board of President and Directors of the Cleveland Public Schools; and they and their successors in office are invested with all the powers and shall perform all the duties contemplated in this Act.

**Commissioners.** SEC. 97. *Be it further enacted,* That it shall be the duty of said Board of President and Directors at the first regular meeting in each year after they shall have been duly organized under existing laws, to elect from the qualified voters of said city, three persons, eminent for their scientific and literary attainments, who shall be designated, "The Commissioners of the Cleveland Public Schools," and who shall hold their office for one year and until their successors are elected and qualified; whose duty it shall be under the direction of The Board of President and Directors, to superintend the educational interests of said city, and perform such other duties as may be required of them by law or ordinance, and who shall receive such compensation for their services as may be prescribed by the Board of President and Directors.

**Duties of same.**

**Departments.** SEC. 98. *Be it further enacted,* That it shall be the duty of the Commissioners aforesaid, to superintend the Public Schools established by authority of this Act; to graduate the same and divide them into as many departments as in their judgment the best interests of the scholastic population of said city may require, to promote scholars from one grade to another, of a higher grade; to examine all teachers applying for situations in said schools; to grant certificates to all such as are found competent to teach, which certificate shall particularly name the branches which the applicant or teacher is found competent to teach; and to examine all teachers employed in said schools at least once in each year, and at such other times as the Board of President and Directors may prescribe, which examination shall be conducted publicly, unless otherwise directed by the Board of President and Directors; said Commissioners shall also lay before the Board of President and Directors from time to time, such information in regard to said schools as may be of interest to said Board; and shall make an annual report to said Board, showing, among other things, the number of scholars attending said schools during the year; the number in each depart-

**Examine teachers.**

**Report.**

ment; the average in each department, and the average attendance in said schools; the studies pursued, and such other suggestions and information in regard to said schools, as will, in their judgment, be of general and public interest. It shall also be the duty of said Commissioners to prescribe rules and regulations for the government of the Public Schools, and to see that the same are enforced; they shall also prescribe a uniform system of text books to be used in said schools, which, when once selected, shall not be altered or changed except by the direction of the Board of President and Directors; it shall also be the duty of said Commissioners to recommend to the Board of President and Directors the purchase of such globes, charts, maps and other school apparatus as in their judgment the interests of said schools shall require. Text books.

SEC. 99. *Be it further enacted*, That it shall be the duty of the Board of President and Directors to establish schools within the corporate limits of the City of Cleveland, from time to time, as the necessities of the city may require; to employ all teachers necessary to successfully conduct or manage said schools; to purchase sites and erect school buildings thereon; and to purchase globes, charts, maps and other school apparatus, as may be necessary for the use of the City Public Schools; but no teacher shall be employed by said Board who has not been previously examined by at least two of the Commissioners aforesaid, and shall not produce to said Board a certificate of his qualifications, signed by at least two of said Commissioners, particularly describing the branches which he or she is found competent to teach. Employ teachers, etc.

SEC. 100. *Be it further enacted*, That the Board of President and Directors shall have power to assess, levy and collect taxes on all the property, polls or privileges within said corporation, subject to taxation by the State for State and county purposes, which tax shall not exceed, in any one year, the amount so levied and collected by the State; and the same shall be levied and collected in the same manner and by the same officer that the city taxes are now collected. Said taxes shall be appropriated and applied for school purposes in said city, by the Board of President and Directors, so as to secure to the colored people the amount of taxes paid by them. Said money, when collected, shall be used for any of the purposes, and applied to any of the uses mentioned in this Act, and shall be in lieu of all other school taxes, either by the State or county. Levy taxes  
How applied.  
Treas'r and Sec'y.

SEC. 101. *Be it further enacted*, That the Treasurer and Recorder of the City of Cleveland, Tennessee, shall be *ex-officio* Treasurer and Secretary, respectively, of the

Board of President and Directors of the Cleveland Public Schools, and shall attend the sittings of the Board, and perform such other duties as may be required by ordinance; and for their services they shall not be entitled to any additional compensation.

Trustees of  
Oak Grove  
Academy.

SEC. 102. *Be it further enacted*, That, in order to facilitate the object of said Act, and advance the interests of education in the City of Cleveland, the Trustees of Oak Grove Academy are hereby authorized and directed to convey by deed to the Board of President and Directors of the Cleveland Public Schools, all that part of lot No. 88, in the City of Cleveland, Tennessee, on which Oak Grove Academy now stands, whenever said Board shall have organized as contemplated by this Act; and the State of Tennessee hereby relinquishes and quit claims to said Board, all right, title, interest and claim in and to said Academy lot; and the same is hereby vested in the said Board of President and Directors, and their successors in office, forever, to be held alone for the purpose of public education.

Chatta. Real  
Estate, Build-  
ing and Loan  
Ass'n.

Powers and  
privileges.

Same.

SEC. 103. *Be it further enacted*, That Morris Bradt, Thomas Webster, George F. Brown, Charles Sundgriest, David Groel, Benj. F. Pearce, John W. James, J. F. Loonies, J. C. Gillespie, Jacob Kuntz, George S. Ruble and Daniel Kayler, and their successors, associates and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of the "Chattanooga Real Estate, Building and Loan Association;" and by that name and style shall have succession for ninety-nine years; and shall have full power and authority to make and have a common seal, the same to break, alter and renew at their pleasure; and by the name and style aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court of law or equity, before any judge or justice, in all manner of suits whatsoever; to establish and change by-laws, rules and ordinances for the government of said corporation; *Provided always*, that the same be not repugnant to the Constitution of the United States or the State of Tennessee. And that the incorporators and their successors shall be able and capable in law to purchase, lease, hold, sell, assign and release, all real and personal estate, by deed, in fee simple, trust, mortgage, lien or pledge of any kind; to build and contract for the building and erection of all kinds and descriptions of houses, tenement buildings and other improvements of real or personal estate held by said corporation, or any other person; to bid, propose, contrac

for, erect all manner of public improvements; to manufacture all such materials and implements as may be used in carrying on the business of said corporation; and to have all other powers needful and proper for the successful prosecution of their business.

SEC. 104. *Be it further enacted*, That the said corporation may organize at any meeting called for that purpose, at which three-fourths of the corporators herein named shall have been present, and constitute the first Board of Directors; and may then and there elect permanent officers of said company, consisting of a President, Vice-President, Secretary and Treasurer, and six Directors; and whenever, in the opinion of said Board of Directors, the business or interest of the company may require it, one architect and one attorney may be engaged. The compensation of the officers of this corporation, their terms of service, the time of their election, as well as the qualification of electors, and the rates and manner of voting, and the periodical meetings, shall be determined by the by-laws. Organization.  
Compensation.

SEC. 105. *Be it further enacted*, That the capital stock of this corporation shall at no time consist of more than twenty-five hundred shares of two hundred dollars (\$200) each; to be paid to the Secretary at such place and times and sums as the by-laws may provide, not to exceed two dollars (\$2) per month on each share. Every subscriber of stock of this corporation shall sign his name opposite the number of shares, in a book provided for that purpose, and shall pay six dollars in advance, at the time of subscription, before his name shall be enrolled upon the subscription book of said corporation. The stock of this corporation may be issued in successive series, in such amounts as the Directors and stockholders may determine. No member of this corporation shall, at any one time, be the owner or holder of more than twenty-five shares. Capital stock.

SEC. 106. *Be it further enacted*, That the Treasurer and such officers as may be required, shall execute bonds with such security and in such amounts as may be fixed by the Board of Directors, and in default thereof, within thirty days from their appointment or election; any such officer may be removed from office and another elected or appointed in his stead. To give bonds

SEC. 107. *Be it further enacted*, That no loans shall be made to any stockholder for speculative purposes, but for the purpose of the purchase of land as a homestead, place Loans.

of business, or for making of improvements upon the land owned by the stockholders.

Debts.

SEC. 108. *Be it further enacted*, That the officers or Directors of this corporation shall not contract or create debts of any kind or for any purpose whatever, without first submitting it to the stockholders at a regular meeting, which shall be once in every month; or at such other time as the by-laws may determine; twenty-five members shall constitute a quorum.

Liabilities.

SEC. 109. *Be it further enacted*, That no stockholder of this corporation shall be held individually liable for the debts or liabilities of this corporation further than the amount of his subscription of stock.

SEC. 110. *Be it further enacted*, That Geo. W. Cheek, W. H. Butts, Jesse W. Page, Jr., E. Parkman, W. B. Cheek Oil Co. Wiggs and their associates, be, and they are hereby declared a body corporate, by the name and style of "Cheek Oil Company," for the purpose of manufacturing oil, oil-cake, &c., from cotton seed and other substances; and in their corporate name, may sue and be sued; have and use a private seal, and brand or trade mark, and alter the same at pleasure; purchase and hold real estate for their purposes, and sell and convey the same by deed.

Capital Stock.

SEC. 111. *Be it further enacted*, That the capital stock of said company shall be twenty thousand dollars, in shares of one hundred dollars each; but the capital of said company may be increased by order of the Board of Directors to five hundred thousand dollars; when twenty thousand dollars or more is subscribed, and twenty-five per cent. paid in, the corporators named in first section may call the stockholders together, who may elect a Board of Directors; said Board of Directors shall be elected by the vote of a majority of the stock, each share of stock being entitled to one vote; and the said Board of Directors may elect one of their number as President of the company, and adopt such by-laws, rules and regulations for the appointment of other officers and employes and for other purposes, as they deem best for the interest of the company; said Board of Directors shall consist of five persons, stockholders in the company; and no liability shall attach to the stockholders respectively for a greater amount than the stock subscribed by each; and all liability shall cease when the amount subscribed has been paid in; the election of Directors shall be held once a year, of which the stockholders shall have due notice; but if it is postponed beyond that

Election of  
Directors, etc.

Liability.



time for good cause, the company shall not, on that account, be dissolved.

SEC. 112. *Be it further enacted*, That this Act shall take effect from and after its passage; and that this company shall have existence for ninety-nine years, and be exempt from taxation, except such taxes as are imposed on other similar manufacturing companies in this State. Taxes.

SEC. 113. *Be it further enacted*, That section 44 of An Act passed May 24, 1866, entitled an Act to Incorporate the Tennessee and Pacific Railroad Company and for other purposes, be so amended as to extend the New Market, Dandridge and Newport Turnpike Company, by way of mouth of Sweet Water, up the east bank of the Pigeon River *via*. M. McNabb's and John Barker's mill, and cross said river at or near McKenney McMohan's; thence up the west bank of said river to the mouth of Ground Hog Creek; thence to the top of Chestnut Mountain, to connect with the Colotoochu Turnpike road at the most convenient point on said road; and that Malcomb McNabb, of Cocke County, be, and he is hereby added to the Board of Commissioners for said road. New Market  
Dand'ge and  
Newport T'rn.  
Co.  
  
Route.

SEC. 114. *Be it further enacted*, That section 13 of An Act passed February 23, 1869, entitled "An Act to increase the revenue, and for other purposes," relating to the corporate limits of the Town of Shelbyville, be, and the same is hereby repealed. Shelbyville.

SEC. 115. *Be it further enacted*, That, C. T. Quintard, George White, John T. Wheat, James I. Vaulx, L. M. Westcott, John P. Trezevant and James R. Chalmers, and their successors are hereby constituted a body corporate under the name and style of "The Church Home," with power to sue and be sued, to hold real and personal property in the County of Shelby, for the purpose of establishing an Orphan Asylum under the auspices of the Protestant Episcopal Church; and to do all such other acts as may be necessary and proper for carrying out the charitable objects in view, authorized by the law of the land, and the rules and regulations of Protestant Episcopal Church. The Church  
Home.

SEC. 116. *Be it further enacted*, That the Trustees of the Ashland Academy in the Town of Waynsboro in the County of Wayne, are hereby authorized to sell the Male Academy in the Town of Waynesboro, and the lot on which said building stands, and that they apply the pro- Ashland Aca-  
demy.

ceeds of said sale to the improvement of the Female Academy, and for educational purposes as said Trustees may chose.

Martin Male  
Academy.

SEC. 117. *Be it further enacted*, That Thomas H. Reeves, be, and he is hereby appointed Trustee of the Martin Male Academy, located at Jonesboro, Tennessee, for the purpose and with authority to sell and convey the same in whole or in part to any purchaser, either at private or public sale; and the proceeds arising from the sale of said property, shall be and they are hereby donated to the School District in which the same is located, for the benefit of the Common Schools in said District, and shall be turned over to the School Directors for distribution by said Trustees. That in conveying said property when sold, said Trustee shall embody this Act in the deed of conveyance, and execute the same as Trustee on the part of the State and Academy, which conveyance shall be in fee-simple and absolute, and without reservation; and all Acts or parts of Acts in conflict with this Act are hereby repealed.

Reservation.

SEC. 118. *Be it further enacted*, That the several corporations herein and hereby mentioned, shall be subject to the general laws of the State, in regard to similar corporations; and the Legislature reserves to itself the right to alter, amend or repeal any part of this Act, whenever the public interest may require.

SEC. 119. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 25, 1870.

## CHAPTER LXVIII.

**AN ACT** to Repeal the First Section of An Act entitled "An Act to re-enact An Act Incorporating Andrew College in Putnam County, and for other purposes."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the first section of the Act of 1868, chapter three (3) entitled "An Act to re-enact An Act incorporating Andrew College in Putnam County, and for other purposes," be and the same is hereby repealed.

**SEC. 2.** *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 25, 1870.

## CHAPTER LXIX.

**AN ACT** to Revive and put in Full Force and Effect the Powers and Privileges granted John C. Vaughn, David Cunningham, David E. Hedgecock, and John Prock, of Monroe County, to open and keep open a Turnpike Road, passed January 20th, 1852, and for other purposes

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That John C. Vaughn, David Cunningham, David E. Hedgecock and John Prock, their Five years' heirs and assigns, be, and they are hereby, granted the time. further time of five years to open and keep open a Turnpike road, as provided in An Act passed January 20th, 1852.

**SEC. 2.** *Be it further enacted,* That neither this Act, State aid. nor the Act to which this is amendatory, shall be so construed as to grant State aid to said persons or turnpike company.

**SEC. 3.** *Be it further enacted,* That Wilson Lodge No. 217, of Free and Accepted Masons, at Pinewood, Hickman County, Tennessee, be, and the same is hereby, incorporated, with all the rights, powers and privileges conferred by sections 1 and 2 of An Act to Incorporate the Alexandria Lodge, No. 75 of Free and Accepted Masons, in the County of DeKalb, and for other purposes, passed October 31st, 1867, Chapter 3.

Wilson Lodge  
No. 217, F. &  
A. Masons.

**SEC. 4.** *Be it further enacted,* That the toll gate on the Columbia, Pulaski and Elkton Turnpike Road north of the town of Pulaski, shall be loca'ed nearer the corporation line of said town than two miles, as provided by the original charter of said turnpike company.

Col., Pu. &  
Elk. T'pk Co.

**SEC. 5.** *Be it further enacted,* That all laws and parts of laws chartering a turnpike across the north fork of Obion River, in Weakley County, on the direct road leading from Dresden to Hickman, Ky., be, and the same are hereby, repealed; and the heirs of Abner Boyd and D. P. Caldwell are hereby released from any obligation to keep up such pike; and it shall be unlawful to collect any tolls on such road from and after the passage of this Act.

Turnp. Co. in  
Weakley.

**SEC. 6.** *Be it further enacted,* That An Act passed February 27th, 1869, granting a charter to Calvin Rushing for a turnpike road across Big Sandy River, at the point where the road crosses said river, leading from Paris, in Henry County, to Camden, in Benton County, Tennessee, be so amended as to provide that it shall not be lawful to erect any bridge or crossing upon said Big Sandy River within a distance of four miles from any bridge which the said Calvin Rushing may erect or may have erected under said charter; and the said charter is further amended so as to provide that the citizens within four miles of said turnpike may cross the same without charge, and that the citizens of Henry and Benton Counties may cross said turnpike for one-half the toll allowed in the original charter.

Calvin Rush-  
ing Tur. Co.

**SEC. 7.** *Be it further enacted,* That L. M. Temple, H. L. Claiborne, James Sloan, J. E. Loiseau, Pat. Walsh, W. H. Hyronemus, Albert Roberts, E. H. East, with others who may become associated with them, be, and they are hereby constituted a body corporate by the name and style of the "Tennessee Red Men's Mutual Aid Society," with power to sue and be sued; to have and use a common

Tenn. Red  
Men's Mutual  
Aid Society.

seal; to hold sell and convey estate, real and personal, to such an extent as the purposes of its organization may demand; to make by-laws for its regulation and government, and generally to do and perform such things, and enjoy such immunities and privileges as like companies enjoy in this State. Powers, etc.

SEC. 8. *Be it further enacted*, That the powers and privileges granted to the Society shall only be extended to members of the Improved Order of Red Men; that the Society have power to invest its funds in such manner as the Directors hereinafter provided for may determine. Same.

SEC. 9. *Be it further enacted*, That the annual election for Directors shall be at such times and for such numbers as the by-laws may determine. Election.

SEC. 10. *Be it further enacted*, That Frank P. Gracy and Mat Gracy, their associates and successors and assigns, be, and they are hereby, constituted a body politic and corporate, under the name and style of "The Clarksville and New Providence Transfer Company," with succession for thirty years, for the purpose of transferring goods, wares and merchandise, of any and every description, and passengers between different points in the city of Clarksville and New Providence, and their suburbs; and for such purpose may purchase, hold, mortgage, transfer and convey any real or personal property; and may purchase, lease or erect any buildings necessary for the purpose of carrying on their business undertakings promptly and successfully; that they may have a common seal, and alter and renew the same at pleasure; and in their corporate name sue and be sued, plead and be impleaded, prosecute and defend in any court of law or equity; and generally to have, enjoy and exercise all rights and privileges, and only such as are necessary to the faithful performance of contracts undertaken under the provisions of this Act, and be subject to all the liabilities imposed by existing laws upon similar corporations. Clarksv. and New Provi. Transf. Co.  
  
Purposes and powers.

SEC. 11. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, but may be increased to twenty-five thousand dollars; that the stockholders may elect a President and other officers of their own number; and appoint officers and agents under such regulations as they may adopt, not in conflict with the spirit of this Act, or existing laws for the government of similar private corporations; that they may charge reasonable compensation for their services; *provided*, that nothing herein contained shall be construed as conferring ex- Capital stock, etc.

clusive privileges in the transfer of goods, upon said company.

**Taxes.** SEC. 12. *Be it further enacted,* That this incorporation shall be subject to such general taxation as future legislation may impose.

**West Station  
and Camp  
Creek Turn-  
pike Co.**

SEC. 13. *Be it further enacted,* That Robert Elkin, Richard Douglas, Elijah Harris, Wm. A. Bush and Reuben Douglas and others, shall be, and are hereby constituted a body politic and corporate, by the name of the "West Station and Camp Creek Turnpike Company," and shall be so continued, and may own, sell and buy property; sue and be sued, plead and be impleaded, in all the courts of law and equity in this State and elsewhere, and be entitled to all the rights and privileges, and subject to the conditions, limitations and restrictions granted and conferred to the Lebanon and Nashville Turnpike Company, by charter passed the 12th of February, 1836, except so far as the provisions of this Act are inconsistent therewith.

**Privileges.**

**Subscriptions,  
route, etc.**

SEC. 14. *Be it further enacted,* That said persons mentioned in first section of this Act, after giving ten days' notice at the Court-house, in the town of Gallatin, may open books for the purpose of receiving subscriptions for the purpose of building a Turnpike road, commencing at West Station, Camp Creek, near Rawlin's old place, and to extend east in the direction of Gallatin, intersecting the Red River Turnpike, about one-half a mile west of Gallatin; said subscriptions may be payable in work or money, or road already built by parties heretofore, but not completed.

**Meeting to  
elect Direct-  
ors.**

SEC. 15. *Be it further enacted,* That the stockholders, or a majority of them, shall call a meeting and elect five Directors of said company, who shall appoint one of their number President of the Board, who shall hold their offices for two years, or until their successors are elected; and ten days' notice of said election shall be given in some newspapers published in Gallatin; the President and Directors shall have power to designate the time and place of their meetings, and to appoint such officers and agents as may be necessary to transact the business of the company, and to prescribe their duties and fix their salaries.

**To commence  
work.**

SEC. 16. *Be it further enacted,* That as soon as five miles of said road shall be subscribed for, whether in money or work, the election of Directors shall take place, and said work shall be laid down by a majority of the stockholders; and if the whole of said road shall not be taken in work, but a part of the stock in money, the Pres-

ident and Directors shall let out to the lowest bidder, such part remaining unsubscribed for as aforesaid, and apply the funds of the company in payment thereof.

SEC. 17. *Be it further enacted*, That the work on said road shall commence within twelve months from the passage of this Act, and said road shall be finished within two years thereafter, or this charter shall be forfeited.

SEC. 18. *Be it further enacted*, That when the work upon said road shall be completed, such part of said road as shall have been built by stockholders subscribing to build so much thereof, the stockholders shall have a meeting and examine and fix upon the value of the work done upon said road by each of said stockholders so subscribing; and if they cannot agree then three valuers shall be appointed by a majority of the stockholders, unconnected with the parties, who shall proceed to value each stockholder's work done on said road, which valuation shall be reported to the President and Directors of the company, and which shall be placed upon the books of the company and constitute so much stock in said turnpike company, belonging to the stockholder, or his assigns, who may have done the work.

SEC. 19. *Be it further enacted*, That in the event of any stockholder failing to conform and complete, in a turnpike manner, his or their part of the road within the time specified by this charter for the completion of said road, he or they shall forfeit his or their stock in said road to said company, and the President and Directors shall proceed to put said portion of the road under contract in the best way for the interest of the company.

SEC. 20. *Be it further enacted*, That whenever said road shall be completed according to the provisions of this charter, from that point on West Station Camp Creek, designated in the 1st section of this charter, to that point where it is to intersect the Red River Turnpike Road, said company shall then have power to erect one gate and receive the same rates of toll charged by the Gallatin Turnpike Company, on their road.

SEC. 21. *Be it further enacted*, That the bed of said road shall be fifty feet wide, with metal sixteen feet wide; the metal shall be twelve inches in the center, and eight inches on the side; said company shall not establish any gate nearer than one mile to Gallatin.

SEC. 22. *Be it further enacted*, That a company is hereby incorporated to be styled the "Edgefield and Broad Street

Edgefield, etc. Ferry, and the Lick Branch and Spring Street Ferry  
Ferry Co. Company."

Purposes. SEC. 23. *Be it further enacted*, That said company is hereby authorized to establish a horse-boat ferry at the foot of Broad Street, in the City of Nashville, Tennessee, on Cumberland River, and to communicate with and establish a ferry-landing for said ferry, on the opposite side of said river, to Broad street, in Edgefield; and to establish a similar ferry at the mouth of Lick Branch, at the City of Nashville, to communicate at the foot of Spring street, on the opposite bank in Edgefield; but such ferries shall not hinder or obstruct the navigation of the Cumberland River.

Tolls. SEC. 24. *Be it further enacted*, That said Ferry Company shall have the power to charge such tolls as the County Court of Davidson County shall, from time to time, designate for the ferries in said county; *Provided*, however, that no tolls shall be exacted from foot-passengers.

Powers and Privileges. SEC. 25. *Be it further enacted*, That Henry Cleuney and P. S. McMurry, are hereby constituted and incorporated as the stockholders and proprietors of said Ferry Company, with the privilege of managing the affairs of said company; and with the powers of suing and being sued, plead and impleaded, in any of the courts of this State, under the name and style of "The Edgefield and Broad Street, and Lick Branch and Spring Street Ferry Company."

Time to establish. SEC. 26. *Be it further enacted*, That said company shall have twelve months from and after the passage of this Act, in which to establish said ferry lines; and that this Act expires on the first day of January, A. D. 1900.

Use of wharves. SEC. 27. *Be it further enacted*, That should said Ferry Company desire to use any portion of the city wharves for a landing or landings, they shall be allowed to do so upon such terms as may be agreed upon between said company and the city authorities.

Chattanooga Ferry Co. SEC. 28. *Be it further enacted*, That Samuel Williams and A. C. Carroll, are hereby incorporated a body politic and corporate, by the name and style of the "Chattanooga Ferry Company," and may use a steam or horse ferry-boat, to run between Chattanooga and the opposite bank of the Tennessee River, at any point in said City of Chattanooga, and to any point on the opposite bank, with all the rights, powers and privileges granted by the Act to the Edgefield and Broad Street, and Lick Branch and Spring Street Ferry Company.



SEC. 29. *Be it further enacted*, That A. R. James, H. M. Clayton, James N. Moreno, Joseph Barbieri and J. M. Eldridge, W. J. Wright, W. J. Miller, and their successors, be, and are hereby incorporated into a body politic, to be known as "The Atlantic, Gulf and Mississippi Steamship Company," and as such, shall have succession for fifty years, and have a common seal, and all the rights of a private incorporation.

Atlantic, Gulf  
and Miss.  
Steamship  
Company.

SEC. 30. *Be it further enacted*, That said company shall have the right to purchase grounds for the purpose of building docks; make contracts for the purpose of building or purchasing vessels, and do all other acts necessary to the carrying on of their business, which is to run vessels from points in the State of Tennessee, on the Mississippi River, to any point on the sea board of the United States or Europe.

Purposes and  
powers.

SEC. 31. *Be it further enacted*, That said incorporators shall, within six months after the passage of this Act, assemble in the City of Memphis and elect a President, Secretary and Treasurer, each of whom shall hold his office for the term of one year.

First Meeting

SEC. 32. *Be it further enacted*, That An Act passed the 5th day of March, 1858, chartering a turnpike road from Pulaski to Pisgah, be and the same is hereby revived in the name of Charles Leatherman, A. G. Hozkins, Colston Abernathy, Sterling Abernathy, Wm. H. Oliver, Wm. P. Ballentine, and all persons who may become stockholders in said road, and enjoy all the rights and privileges, powers and franchises, granted in said original charter, and be subject to all the restrictions and liabilities therein prescribed and undertaken.

Pulaski and  
Pisgah Turn-  
pike Comp.

SEC. 33. *Be it further enacted*, That the stockholders may extend said road to Bradshaw's Creek, the nearest and best route.

May extend.

SEC. 34. *Be it further enacted*, That nothing in this Act shall be so construed as to give said company State aid.

SEC. 35. *Be it further enacted*, That Martha Bradford, Lucinda Robertson, Penelope Seay, Lucy Lewis, Alice Seay, and their successors and associates, are hereby made a body politic and corporate, under the name and style of the "Nashville Ladies' Good Samaritan Society, No. 2, of Nashville;" and that they have a common seal, purchase and hold real and personal estate necessary for their association; have succession for ninety-nine

Nashville La  
dies' Good  
Samaritan  
Soc'y, No.

years; sue and be sued, and do such other acts as are common or incident to such corporations.

Powers and  
privileges.

SEC. 36. *Be it further enacted*, That the members of this corporation may, from time to time, make such rules and by-laws, and appoint such officers as they may choose for the control and government of the association; and make such terms and name such fees for the admission of members and support of the society, as they think best, with power by two-thirds vote, to expel or suspend delinquent or disorderly members.

Funds, prop-  
erty, etc.

SEC. 37. *Be it further enacted*, That the association shall have power to raise and hold funds, and inherit and receive bequests, devises and donations, which shall be used for the benefit of the association as they may think best; and to do all other acts for the benefit of themselves not inconsistent with the laws and Constitution of the State of Tennessee and of the United States.

Shelb. and  
Fayetteville  
Turnp. Co.

Gate.

SEC. 38. *Be it further enacted*, That the Act passed December 12, 1845, chapter 33, be amended so as to authorize the Shelbyville and Fayetteville Turnpike Company to build a branch road; commencing at any point from one and a half miles to five miles south of Shelbyville, running in a south-eastern direction towards Flat Creek Store, and intersecting with the Shelbyville and Lynchburg Road at any point that may be selected by said company; and that said company shall have power and authority to erect one toll-gate on said branch road, and collect tolls six months in the year.

Town of  
Athens.

Privileges.

SEC. 39. *Be it further enacted*, That the Town of Athens, in McMinn County, State of Tennessee, and the citizens and inhabitants thereof, are hereby incorporated by the name and style of the "Corporation of the Town of Athens;" and shall have succession for ninety-nine years, and by their corporate name may sue and be sued, plead and be impleaded; grant and receive, purchase and hold, real and personal property, and dispose of the same at pleasure, for the benefit of said town; and may have a corporate seal.

Boundary  
line.

SEC. 40. *Be it further enacted*, That the territory comprised within the limits of said town or corporation, shall be as follows, to-wit: The same boundaries which were adopted by a vote of the people at an election last held for the purpose of extending the corporate limits of said Town of Athens—that is one-half mile in every direction from the Court-house, except that said boundary be ex-

tended a distance of three hundred yards in a northern direction parallel with the eastern and western limits—with a view to include certain disreputable localities inhabited by lewd women and men of the baser sort, who make night hideous with their bachenal orgies, and entice young men into evil practices, and otherwise render themselves obnoxious to good citizens who have a regard for decency and order; *Provided*, that no lands used for farming purposes shall be taxed by said corporation without the consent of the owners; but the said lands shall be considered within the corporation, and subject to the laws and ordinances of the municipality of the town: such exceptions shall, however, not apply to the dwelling-houses, shops or other buildings, gardens or grounds, used for other than agricultural purposes; *Provided*, no individual shall be compelled to pay a tax on more than one acre of unimproved land. Provisos.

SEC. 41. *Be it further enacted*, That there shall be elected by the qualified voters of said town, seven Aldermen, who shall elect one of their number Mayor, who shall receive for his services a certain compensation, if so ordered by the Board of Aldermen; said Mayor and Aldermen to hold their office until the first Saturday in January next following their election; but after the first election, every subsequent election for Aldermen shall be held on the first Saturday in January of each succeeding year; after giving ten days' notice of the time and place of holding said election; said Mayor and Aldermen may elect a Marshal, Recorder and Treasurer of said town, at any regular meeting of said Board, who, before entering on the duties of their office, shall give bond and security for the faithful discharge of the same, in such sum as the Board of Mayor and Aldermen may require; said officers may receive such compensation as may be allowed by said Board. Election of Aldermen.  
  
Other officers.

SEC. 42. *Be it further enacted*, That four of said Aldermen shall constitute a board for the transaction of business. The Mayor shall have the casting vote on all questions before them, in case of a tie; and said Mayor and Aldermen shall take an oath before entering on the duties of their respective offices, before some Justice of the Peace for said county, for the faithful performance of all the duties pertaining to their offices. Quorum, oath, etc.

SEC. 43. *Be it further enacted*, That no person shall be eligible to the offices of Mayor or Aldermen unless he be a citizen of the United States, and an actual resident and tax-payer of said town. Eligibility.

Terms of  
office.

SEC. 44. *Be it further enacted,* That the present Board of Mayor and Aldermen of said town shall hold their present offices during the present year; that the next and annual boards shall be elected under the rules or laws governing the county and State elections of the State of Tennessee; said election to be held by each successive Board of Aldermen; said Aldermen to hold their office until their successors are elected and qualified.

Called meet-  
ings.

SEC. 45. *Be it further enacted,* That the Mayor at any time he may think expedient, shall assemble said Board of Aldermen for any specific purpose; that they shall take no action on any measure, or action on any thing, except that for which they were assembled; they shall be summoned by the Marshal, by order of the Mayor.

Levy tax.

SEC. 46. *Be it further enacted,* That said Board shall have power to levy tax on all property taxable for county and State purposes, the taxes to be collected by the Marshal, or any one appointed by the board, as follows, to-wit: he shall, after taxes are due, give ten days' notice before proceeding to collect the same; he may levy on personal property enough to satisfy said taxes, if he can find an amount in possession of said delinquents to satisfy the same, and proceed to sell the same, after giving ten days' notice; and if he cannot find personal property in possession of said delinquents, the Mayor shall issue execution against the realty of said delinquents, which the Marshal, or any one so ordered by the Board shall levy on said realty, and return said execution and levy to the next term of the Circuit Court; the court shall condemn said real property and order the same to be sold on thirty days' notice, to the highest bidder, to satisfy said tax, the same to be a lien on said realty from the time it is due.

Marshal to  
collect.

Cir. Court.

Fines, etc.

SEC. 47. *Be it further enacted,* That the Mayor shall have power to fine all or any persons who may violate any of the laws or ordinances of said corporation in a sum not over fifty dollars nor less than two dollars; that the Mayor have power to take bond and such security as he may deem sufficient for the payment of said fine or fines within ten days. The Mayor, on failure of the party so fined to pay the same at the expiration of ten days, may issue execution to the Marshal or his Deputy Marshal against the property of principal and surety, who shall levy said execution on personal property enough belonging to either surety or principal, and after ten days' notice, proceed to sell the same to the highest bidder; if the Marshal cannot find personal property enough to satisfy said fine and cost on execution, he shall levy said execution on real property

Collection of  
same.

enough to satisfy said fine and cost, of either principal or surety, and return said levy and execution to the succeeding term of the Circuit Court; the Court shall at once condemn and order the sale of said realty to the highest bidder, after giving thirty days' notice, to satisfy said fine and cost; when said offender cannot give security for said fine and cost, the Mayor may place said offender in the custody of the Marshal, who shall place said offender at hard labor on the streets, alleys or other improvements of said corporation, to work at the rate of one dollar per day, until said fine and costs are satisfied; and when said offender is not at work he shall be kept in close confinement.

Duties of Cir-  
Court.

SEC. 48. *Be it further enacted*, That if a majority of said Board thinks necessary, they may employ an attorney or counselor for said corporate Board or corporation, to be paid in the way they may think proper.

SEC. 49. *Be it further enacted*, That said Mayor and Aldermen shall have power, by ordinance in said corporation: First, to levy and collect taxes on all privileges, and polls taxable by the laws of this State; second, to appropriate money and provide for the payment of all debts and expenses of said corporation; third, that no farming lands within the limits of said corporation shall be taxed; fourth, to establish a patrol for the maintenance of order in said town; fifth, to license, tax and regulate retailers of liquors, peddlers and all public shows or exhibitions that may be exhibited for gain; sixth, to prohibit all disorderly houses or houses of ill-fame; seventh, to regulate the police of said town, to impose fines, forfeitures and penalties for the breach of any of the ordinances of said town and provide for their recovery and appropriation, and do all

General pow-  
ers and priv-  
ileges.

Same.

things necessary for the suppression of riotous and disorderly conduct, not inconsistent with the laws of the State; eighth, to prevent and punish by pecuniary penalty, or in other ways heretofore provided, all breaches of the peace, noise, disturbances or disorderly assemblies, in any street, house or any place in said town, either by day or night; ninth, the Marshal is hereby empowered to summon to his aid any number of men for the arrest of any person or persons who may be found violating any of the laws or ordinances of the town—those refusing to obey the summons of the Marshal, if brought before the Mayor, may be fined in the sum of ten dollars, said fine to be collected in the same way that all other fines and penalties imposed by the Mayor are recoverable; tenth, that said Board

Marshal.

shall have power to amend, alter or abolish the by-laws of said corporation whenever they may deem it expedient.

Act Mar. 20, 1858.      **SEC. 50.** *Be it further enacted,* That An Act passed on the 20th March, 1858, entitled "An Act to Incorporate the Woodford and Turnersville Turnpike Company and Brown's Creek and Robertson Academy Turnpike Company and the Rockwood Turnpike Company," and An Act to incorporate the La Guardo and Spencer's Lick Turnpike Company, &c., &c., and for other purposes, passed February 1, 1860, be so amended that Edmund Jackson, Alfred Canady, Hartwell Hunt, Sidney Smith, George Coles and Jesse J. Frazer, or any three of them, be, and they are hereby appointed Commissioners to open books for subscription of stock instead of those mentioned in the Acts this is intended to amend, and locate said road, beginning at the Lebanon and Coles' Ferry Turnpike road on the line between the lands of Robert Lawrence's heirs, and Jesse J. Frazer, and running thence to the Nashville and Lebanon turnpike road near Edmund Jackson's.

Commis'rs.

May extend road.      **SEC. 51.** *Be it further enacted,* That said company is hereby granted the privilege of extending said road to the Tennessee and Pacific Railroad, at such point as they may deem most practicable, if they wish to do so; and that said Rockwood Turnpike Company have four years further time to complete said road.

Town of Trenton.      **SEC. 52.** *Be it further enacted,* That the corporate limits of the Town of Trenton, in Gibson County, Tennessee, be, and the same are hereby extended as follows: Beginning at the south-west corner of the present corporation limits, and running thence south, with the line of the Mobile and Ohio Railroad, to a point parallel with the southern boundary line of an alley, between C. T. Lane and Andrew College, in an easterly direction from said above-mentioned point on the railroad, and continuing east from said alley, to a point on the boundary line between Richard Thompson and Mrs. M. R. Hill's lands; thence, in a northern direction, to the road leading from the Town of Trenton to McDearmon's Mill; thence, with the southern boundary of said Mill road, twenty poles, to a point on said road; thence north, to the Forked Deer River; thence, with said river, until it reaches a point opposite to the street on which William Conner's tan yard is situated, and connecting with the corporation limits; *Provided,* that

Boundary line.

no land within the crossing lines, used for agricultural purposes, shall be taxed by said corporation.

SEC. 53. *Be it further enacted*, That the corporate limits of the Town of Rutherford Station, in Gibson County, Tennessee, be, and the same are hereby extended as follows: Beginning on the east boundary line of the original plan of said town, in the center of Main street; running thence south, 160 poles, to a stake with white oak pointers; thence, west 240 poles, to a stake in M. Halleburton's field; thence north 320 poles, to a stake in R. B. Link's field; thence east 240 poles, to a stake; thence south, 160 poles, to the beginning, in Main street.

SEC. 54. *Be it further enacted*, That the members of the First Cumberland Presbyterian Church, in the City of Memphis, and their successors, be, and are hereby constituted a body politic and corporate, by the name and style of the "First Cumberland Presbyterian Church, of Memphis," with power to sue and be sued, plead and be impleaded, answer and be answered unto, in all suits and actions; and to do and perform all other acts and things which bodies corporate may lawfully do.

First Cumb'd  
Pres. Church,  
of Memphis.

SEC. 55. *Be it further enacted*, That said corporation, by and through the officers of said church, elected according to its mode of organization, shall have power in its said corporate name, to receive by gift, donation or purchase, real, personal or mixed property, to sell, exchange, mortgage, or otherwise dispose of and convey the same, as may best subserve the interest of said church, whether the same be for its immediate congregation, or for missions, schools or otherwise; and said corporation may take and hold in trust any property conveyed to it for such religious uses, and on such conditions as may be specified in the conveyances, gifts or devises.

Real or per-  
sonal prop'ty.

SEC. 56. *Be it further enacted*, That said corporation shall have power to make such by-laws, rules and regulations, as may be necessary under the organization of said church; the same not to be inconsistent with the laws and Constitution of this State or of the United States.

By-laws, etc.

SEC. 57. *Be it further enacted*, That Valentine S. Lotspeich, of the County of Greene, be, and he is hereby authorized to erect a mill-dam on Lick Creek, at or near what is known as the Bryant Farm; *Provided*, the same shall not be more than six feet in height in the center, and shall not cause the lands for one mile above said dam

Lotspeich  
may erect  
dam.

to be overflowed or damaged by back-water, caused by the erection of said dam.

**SEC. 58.** *Be it further enacted,* That the lands and possessions of John B. Rodgers, including Rock Island, from and after the passage of this Act, be, and the same shall be attached to the County of Warren.

**SEC. 59.** *Be it further enacted by the authority aforesaid,* That the charter of the National Insurance Company, passed November 17, 1865, be, and the same is hereby revived and continued in force, for the further time of two years from the passage of this Act.

**SEC. 60.** *Be it further enacted,* That An Act passed January 28, 1869, chap. 32, entitled "An Act to incorporate the Mechanics' and Laborers' Co-operation and Building Association, of Clarksville, and for other purposes," from the 1st to the 9th sections thereof, inclusive, are hereby re-enacted; and the further time of twelve months from and after the passage of this Act, is hereby given the companies to organize.

**SEC. 61.** *Be it further enacted,* That the several charters of incorporations herein and hereby incorporated, shall be subject to the general laws of this State, in relation to similar incorporations.

**SEC. 62.** *Be it further enacted,* That J. W. Miller, Edmund Blankenship and E. Rodgers, be, and they are hereby incorporated a body corporate and politic, under the name and style of the "Rocky River and Caney Fork Turnpike Company;" with power and authority to build a turnpike road, commencing at a point on the McMinnville and Sparta road, at or near Cyrus Miller's (deceased) place, and from thence by the most practicable route, crossing Rocky River at J. W. Miller's mill, and crossing the Caney Fork at Edmond Blankenship's place; to intersect the McElroy road at or near Forester Phifer's place.

**SEC. 63.** *Be it further enacted,* That the said Rocky River and Caney Fork Turnpike Company shall have all the rights, powers, immunities and privileges as granted to the Lebanon and Nashville Turnpike Company, by An Act of the General Assembly of the State of Tennessee, passed February 12, 1836, so far as the same may be applied to the said Rocky River and Caney Fork Turnpike Company; *Provided, however,* that nothing in this Act, or the



aid Act passed February 12, 1836, shall be so construed as to grant State aid to said Rocky River and Caney Fork Turnpike Company; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 25, 1870.

## CHAPTER LXX.

AN ACT Authorizing the County Court of Jackson County to have the Records of its Court preserved.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Jackson County, in this State, is hereby authorized to have transcribed to the minutes of said County Court, the official acts of William Morrow, as Clerk of said Court, under appointment of the Governor of the State; and that full faith and credit shall be given to the proceedings of the County Court of said County of Jackson, kept by said William Morrow, when so recorded; and certified copies thereof by the Clerk of said County Court, shall be of the same validity as copies from any of the other of the records of said Court.

Wm. Morrow's acts to be transcribed.

SEC. 2. *Be it further enacted*, That in all counties of this State, where records have been so kept, the records may be transferred in accordance with the provisions of this Act.

Other counties.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 25, 1870.

## CHAPTER LXXI.

## AN ACT to Charter the Louisville and Chattanooga Grand Trunk Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That D. M. Key, G. L. Gillespie, John W. James, A. C. Carroll and Samuel Williams, of Hamilton County; B. S. Hopkins, D. M. Ketchum, P. M. Mitchell, F. M. Smith, and G. W. Shelton, of Marion County; B. L. Bennett, Wm. Rankin, S. W. Robinson, J. H. Rogers, and John Stone, of Sequatchie County; R. P. Loyd, James Tulloes, B. F. Bridgman, William Brown, and Isaac Robinson, of Bledsoe County; C. C. Powell, R. F. Bently, J. P. Mullenax, and Felix Naramore, of Cumberland County; Melton McMillen, Dillen Goodpasture, Alvin Cullom, Lafayette Mitchell, and Lauderdale Bilberry, of Overton County; John Gordan, George S. Kingston, John C. Wright, B. L. Bryor, L. Bush, and Stephen H. Pile, of Fentress County; Samuel H. Staples, John L. Scott, R. A. Davis, L. H. Mosier, Wm. R. Williams, of Morgan County; Joel Hamby, Jefferson Pemberton, J. C. Parker, J. M. Cordell, and James Chitwood, of Scott County; James W. Gillespie, A. P. Early, W. T. Gass, J. C. Wasson, and W. P. Darwin, of Rhea County; Lewis Huddleston, Curtis Mills, Wm. Bounds, and Joseph Hyder, of Putnam County; Joseph Cummings, Anderson Robinson, James Cunningham, Wm. Simpson, and G. G. Dibbrell, of White County; John Whitley, Wm. Washington, A. J. McEvoy, and Wm. Cummings, of Van Buren County; General J. T. Wilder, R. K. Byrd, Thos. Brown, John De Armond, and James H. Johnson, of Roane County, State of Tennessee; E. A. Gardner, J. M. Duncan, V. P. Armstrong, Wm. F. Barrett, F. S. J. Ronald, Chas. Brema-ker, G. Spratt, D. B. Harris, H. C. Murrell, N. Bloom, Warren, Mitchell, J. S. Lithgow, John M. Robinson, O. W. Thomas, F. T. Fox, Jr., and others, of Jefferson County, State of Kentucky, be, and they are hereby appointed Commissioners, under the direction of whom, or any three of them, subscriptions may be received to the capital stock of the Louisville and Chattanooga Grand Trunk Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital

Commission-  
ers to open  
subscription  
books.

Same.

Notice.

stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and after the first opening of said books, they may continue them open for such time and may adjourn to such places as they may deem expedient; and if such a subscription to the capital stock of said company is necessary to its incorporation shall not have been obtained, said Commissioners or a majority of them, may cause the said books to be opened and kept open from time to time, and at such places as may seem expedient, for the space of two years thereafter, or until the sum necessary for the incorporation shall be subscribed; *Provided*, that any subscription tendered at any time or place other than that advertised by said Commissioners, if accepted by them, shall be as valid against the party subscribing, as if received at the time or place advertised; and if any of said Commissioners shall die, resign or refuse to act during the continuance of the duties devolved on them by this Act, another may be appointed in his stead by the remaining Commissioners, or a majority of them, of the county for which the said Commissioners so not acting, was appointed a Commissioner.

SEC. 2. *Be it further enacted*, That the capital stock of said Louisville and Chattanooga Grand Trunk Railroad Company shall be six millions of dollars, to be thereafter increased by the Directors hereof as the necessities thereof may demand, in shares of fifty dollars each, which may be subscribed for by any individual or corporation; and as soon as forty thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and they are hereby, declared to be incorporated into a company by the name of the "Louisville and Chattanooga Grand Trunk Railroad Company," and by that name shall be capable of purchasing, holding, selling, leasing and conveying real estate and personal and mixed estate, so far as the same shall be necessary for the purpose of their incorporation; and shall have succession for ninety-nine years; and by said corporate name shall sue and be sued; and may have and use a common seal, which they shall have power to alter or renew at pleasure; and shall have, enjoy and exercise all the powers, rights and privileges which other corporate bodies may lawfully do; and may build, equip and operate a railroad with its branches and telegraph line, from Chattanooga, Tennessee, in the direction, as near as may be, of Louisville, Kentucky, to a point on the Tennessee and Kentucky line.

**SEC. 3.** *Be it further enacted,* That at every subscription of stock, there shall be paid, at the time of subscribing to the said Commissioners or their agents, appointed to receive such subscriptions, either in money or a note, negotiable and payable at some bank in the State, as said Commissioners may elect, at sixty days date, or longer, at the option of the Commissioners or their agents, the sum of five dollars on every share subscribed; and the residue thereof shall be paid in such installments and such time as may be required by the Board of Directors of said Company; *Provided*, that no payment shall be demanded until at least thirty days' public notice of such demand shall have been given by said Board of Directors, by a publication in one or more of the newspapers published in Chattanooga, nor shall more than twenty-five per cent. of each share of stock be called for in any one year; but if the exigencies of the company should require the payments of the stock to be made more rapidly than is provided for herein, or should the Board of Directors or a majority of the whole number elected, consider it expedient, it shall be lawful for them to borrow, on the credit of said company, a sum of money not exceeding the authorized capital stock hereof.

**Mode of subscribing stock.** And if any subscriber shall fail or neglect to pay any installment or part of said subscription, demanded according to the provisions of this section, the sum may be recovered by action in the name of said corporation, against such defaulting subscriber, before any tribunal having jurisdiction of such cases; and in all such actions, publications as directed in this section shall be the only demand necessary to be proved; or, in case of such failure or neglect to pay any installment or part of said subscription, demanded according to the provisions in this section, shall continue for the space of sixty days next after the time the same shall be due and payable, the Board of Directors may, in their discretion, order that the same shall be forfeited to the company, and they may also sell it for the benefit of the company, if they think proper; but the said Board of Directors, by a majority of the whole Board, may remit any such forfeiture, on such terms as they may think proper; *and provided further*, that it shall be lawful to receive subscriptions to the capital stock of this company, payable in contracts well secured, to build such parts of the road, or to perform such work in the construction thereof, as may be accepted by the company.

**Proviso.**

**Payments.**

**Failure to pay.**

**Penalty.**

**Proviso.**

**SEC. 4.** *Be it further enacted,* That said road shall not be taxed until one hundred miles are completed.

**SEC. 5.** *Be it further enacted,* That any town, city, cor-

oration or counties, are hereby enabled and empowered to  
 subscribe for stock in said company, upon the following  
 terms: Said stock shall be subscribed by said town, city, Town, cities,  
etc., may sub-  
scribe.  
 corporation or corporations, county or counties, upon the  
 consent of the majority of the votes cast therein; said elec-  
 tion to be petitioned for by said President and Directors;  
 and there shall be ordered to be held by the county Judge  
 of said county, or Chairman of the County Court, by the  
 President of the Board of Directors of said corporation, by  
 the President of the Board of Trustees or corporate au-  
 thorities of said town, as the election for county officers is Elections.  
 held in said county, as the election for town officers is held  
 in said town, and as the election for President and Direct-  
 ors, or other officers, is held under said corporation, giv-  
 ing thirty days' notice of said election in each instance;  
*Provided*, that as to the city of Chattanooga, the Board of Chattanooga.  
 Mayor and Aldermen of said city be, and is hereby author-  
 ized to order, by ordinance, an election to be held after  
 sixty days' notice, by advertisement in one paper of said  
 city; in case said city agrees to take stock in said road, it  
 may be paid upon such terms and conditions as may be  
 agreed by said company and the said Council or corporate  
 authorities of said city; and when the terms and conditions  
 so agreed upon shall have been voted upon and carried by  
 a majority of the legal votes cast at said election, it shall Mayor to is-  
sue bonds.  
 then be the duty of the Mayor of said city, to issue the  
 bonds of said city therefor, with the corporate seal of said  
 city affixed, bearing an interest not less than six per cent.  
 and no more than eight per cent. *per annum*, payable semi-  
 annually at New York City, or in such place as may be  
 chosen by the Directors hereof, to be issued within sixty  
 days after said election; and when issued, to be delivered  
 to the President of said company.

SEC. 6. *Be it further enacted*, That any tax-payer pay-  
 ing tax to the county subscribing stock hereto, or holding  
 any of said bonds, the coupons thereto attached shall be  
 received in payment of the tax levied to pay said coupons  
 and assessed under this Act against said tax-payer; and Tax-payers'  
receipts.  
 any private subscriber to the original stock of this road,  
 having paid up his stock hereunder and according to the  
 calls of said officers of said company, shall receive stock  
 for the interest of his stock subscribed and paid as afore-  
 said, the same as a county or town; and said tax thus paid,  
 and interest due to said subscriber, the tax payer, subscrib-  
 er or their assigns, shall be entitled to stock to that amount  
 in said company; said stock to be issued to said tax-payer, Entitled to  
stock.  
 subscriber or assign, by the Treasurer of said company, up

on the presentation of tax receipts at the office of said Treasurer to the amount of fifty dollars; or when said subscriber shall be entitled to interest for said amount, and a fractional receipt for any amount less than said amount; but the issuance of the stock mentioned in this section shall cease upon the declaration of the first dividend of said company.

When due  
and payable.

How pay-  
ments en-  
forced.

SEC. 7. *Be it further enacted*, That all the taxes to be collected hereunder shall become due and payable when the State taxes are due and payable; *Provided, however*, that the officer collecting the same, shall pay to the Treasurer of said company one-fourth of said taxes due and collected in each year, on or before the first day of June in each year, one-fourth on or before the first day of July following, one-fourth on or before the first day of August following, and one-fourth on or before the first day of September following; and if said officer shall fail to pay over said taxes collected within the time prescribed herein, said officer, with his sureties, on the bond given under this said Act, shall be liable for the amount not so paid over, and ten per cent. thereon until paid, to be recovered on motion on ten days' notice, in any court having jurisdiction; and upon judgment thereon, execution shall issue forthwith in the usual words and figures, directed to the sheriff, coroner or any constable of said town or county, as in other cases for the collection of taxes. That to collect any and all taxes collected under and by virtue of this charter, the officers collecting the same are hereby empowered to use and enforce all remedies or means now allowed or hereafter to be allowed for the collection of the taxes of any town or city, or of the State.

Donations.  
etc.

SEC. 8. *Be it further enacted*, That said railroad company may receive donations of land to be used for any of the purposes of said road, or to be sold or mortgaged to raise money to build the same, and may receive subscriptions to be paid in land at a valuation to be fixed by the officers of said company and said subscriber; and may lease or sell and convey any land so given or subscribed.

May lease, etc.

SEC. 9. *Be it further enacted*, That said railroad company is hereby enabled and empowered to buy or lease other roads connected therewith, and build a branch or branches to this railroad, upon such terms and conditions as are prescribed herein for the building of this said railroad.

Sinking fund.

SEC. 10. *Be it further enacted*, That in order to create and secure a fund for the final payment of the indebtedness of said company; said company is hereby enabled

and empowered to create and form a sinking fund for said purpose, in that way deemed most advantageous and practicable for said company to effect said payment.

SEC. 11. *Be it further enacted*, That when the said forty thousand shares are subscribed, any three of said Commissioners shall call for a meeting of said stockholders, by advertisement in the paper having the largest circulation in the city of Louisville, Kentucky, and in the paper in said city of Chattanooga having the largest circulation, fixing the time and place of said meeting; and when said stockholders meet they shall elect seven Directors out of their own number, to serve for the space of one year; and said Directors shall elect a President, who shall be either a Director or stockholder, to serve for one year; and shall elect all the officers necessary for the purposes herein set forth; and may fix the salary of the President hereof; and may fix the salary and duration of the officers so elected by them; and may fix the time and place of their meetings; but three of said Directors, may, in writing, request a meeting of said Directors, which shall then be called by said President, giving ten days' notice of the time and place. Said Directors shall hold their offices for one year, or until their successors are elected and qualified, and may fix the time and place of the election of said Directors, giving ten days' notice thereof.

First meet'g.  
Election, etc.

SEC. 12. *Be it further enacted*, That nothing in this State aid Act shall be so construed as to grant State aid to said road.

SEC. 13. *Be it further enacted*, That no discrimination shall be made against Tennessee freights or passengers; and that the Legislature of Tennessee reserves the right to protect her citizens by legislation, from any unjust discrimination; and also retains its legislative powers over the said road, and may hereafter exercise the same in any manner deemed necessary for the interest of the State.

Discrimination in freights, etc.

SEC. 14. *Be it further enacted*, That said company shall have the privilege of condemning two hundred feet of ground, together with the privilege of building a double track.

Double track.

SEC. 15. *Be it further enacted*, That said company may erect, establish and run said line of railroad from Gallatin, Lebanon or Murfreesboro, to Decatur, Alabama, on the most direct, practicable route between these points, through any or all of the Counties of Rutherford, Marshall, Bedford and Giles, in this State; *Provided further*, that said company may connect with the Nashville and

Route.

Decatur Railroad, at any point on said road in the Counties of Maury or Giles in this State.

Rights of action.

SEC. 16. *Be it further enacted*, That a right of action for the redress of any injury caused by or for any claim or demand against said railroad company, shall exist in this State, in any court or judicial tribunal having jurisdiction thereof, against said railroad company; and process may be served upon any depot agent of such railroad company, residing in this State, in the absence of the President or head officer of said railroad company; and the judgment rendered against said railroad company, and the property, real and personal, belonging to said railroad company in this State, shall be enforced and be liable for the satisfaction of said judgement, the existence of any mortgage on said railroad and its appendages, to the contrary notwithstanding; and before entering on any of the lands in this State, said railroad company shall accept the provisions of this Act.

Property.

Cleveland and Tenn. River Railroad Co.

SEC. 17. *Be it further enacted*, That the formation of a company is hereby authorized for the constructing of a railroad from Cleveland in Bradley County, Tennessee, so as to intersect with the line of the projected railway known and called the Cincinnati Southern Railway, extending from Cincinnati, Ohio, to Chattanooga in Hamilton County, Tennessee, at some point in Rhea County, Tennessee, or at some other suitable point to be hereafter selected by the company herein corporated, which company shall consist of the stockholders; and when formed, shall be a body corporate by the the name and style of the "Cleveland and Tennessee River Railroad Company," and by such name shall have and enjoy, possess and exercise, all the rights, powers, privileges and franchises, so far as the same may be applicable, which the Nashville and Chattanooga Railroad Company have by the terms of An Act passed 11th of December, 1845, entitled "An Act to incorporate the Nashville and Chattanooga Railroad Company, and be subject to the same liabilities and restrictions therein imposed so far as applicable; *Provided*, that each share shall entitle the owner thereof to one vote.

Powers and privileges.

Capital stock.

SEC. 18. *Be it further enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, with the privilege of increasing said stock to an amount sufficient to complete said road, to be divided into shares of fifty dollars each; and J. H. Gaut, Joseph Tucker, Jno. B. Hoge, John McPherson, P. B. Mayfield, J. M. Crow, Stephen Leard, S. P. Gaut, Ake Henry, R.



M. Edwards, D. B. O'Neil, Wm. J. Campbell, A. J. White, Joseph R. Taylor and J. Caleb Morgan, are hereby appointed a Board of Commissioners, who may, <sup>Commissioners.</sup> at such times as they think fit, open books for the subscription of said stock; and who shall—as to the road, in all respects—have the power and perform the duties prescribed for the Board of Commissioners of said Nashville and Chattanooga Railroad Company, by the 4th section of the Act aforesaid in relation to that road; and whenever the number of one hundred shares shall be subscribed, <sup>Powers of Board.</sup> the company shall be considered as formed, and as having a corporate existence as aforesaid; and the Board of Commissioners may proceed to appoint a time for the stockholders to meet at Cleveland, for the purpose of electing a President and six Directors to manage the affairs of the company. The President and other Directors shall <sup>Election, etc.</sup> be elected by direct vote of the stockholders; and when elected, may proceed to survey the route of the road, make an estimate of the cost of its construction, and do any other lawful act necessary to forward the enterprise.

SEC. 19. *Be it further enacted*, That the Board of Directors may call for the payment of the stock subscribed, in sums not exceeding five dollars on the share, in every <sup>Call's.</sup> thirty days; and to enforce its payment, the same remedy is given as in the Act aforesaid.

SEC. 20. *Be it further enacted*, That said Cleveland and Tennessee River Railroad Company is hereby authorized and empowered to amalgamate or consolidate its stock <sup>May amalgamate.</sup> with, or transfer it with its charter and privileges to any railroad company whose road may connect therewith.

SEC. 21. *Be it further enacted*, That no one shall be President of said company, who does not own in his own right *bona fide*, four shares of stock therein; nor shall any one be a Director who does not, in like manner, own one share of stock.

SEC. 22. *Be it further enacted*, That the railway authorized by this Act, shall be commenced within five years after the passage of this Act, and shall be finished <sup>Time to complete.</sup> within ten years thereafter; otherwise the charter hereby granted shall be void; *Provided*, no State aid shall be granted to said road.

SEC. 23. *Be it further enacted*, That John L. Divine, W. F. Rathburn, P. D. Sims, E. M. Knight, R. L. Watkins, J. W. James, Thomas Webster, and their associates <sup>Chattanooga, Montgomery and Pensacola R. R'd Co.</sup> and successors, be and they are hereby constituted a body corporate and politic, under the name and style of the

Rights and  
powers.

"Chattanooga, Montgomery and Pensacola Railroad Company," with all the rights, powers, privileges and franchises, (so far as applicable), as are possessed by the Nashville and Chattanooga Railroad Company, and subject to the same liabilities; *Provided*, that no State aid shall be granted to said company; and that this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 25, 1870.

## CHAPTER LXXII.

AN ACT to Amend the Charter of the Town of Edgefield, in the County of Davidson, Incorporated under the Code of Tennessee, and for other purposes.

Jurisdiction  
of Recorder.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Recorder of the town of Edgefield, be and he is hereby invested with concurrent jurisdiction with Justices of the Peace in all cases of violation of the criminal laws of the State, or of the ordinances of the Mayor and Aldermen of the town of Edgefield, within the limits of said town of Edgefield.

Powers of  
Board of May-  
or and Alder-  
men.

SEC. 2. *Be it further enacted*, That the Mayor and Aldermen of the town of Edgefield, shall have power, by ordinance, within town, to levy and provide for the collection of taxes upon all property and privileges taxable by law for State purposes; they shall also have power, and they are hereby authorized to provide for the appointment or election in such manner as they may see fit, all necessary officers for the good government of the city; they shall also fix the compensation of such officers before their election; which shall not be increased or diminished during their term of office; they shall also have power—two thirds of the Board of Aldermen concurring—to dismiss from office for sufficient cause, any person that has been or may hereafter be elected to fill any office created by the ordinances of the Mayor and Aldermen

Dismissals.

heretofore, or that may be hereafter enacted by said Board; and they shall have and possess full power to abolish any office as above, that has been or may hereafter be created.

SEC. 3. *Be it further enacted*, That the Town-constable shall have power to make arrests for all violations of the ordinances of the town of Edgefield, and of all criminal offenses declared to be such by the by-laws of the State; and to this end, he shall have power to make arrests in any portion of the County of Davidson. Powers of Constable.

SEC. 4. *Be it further enacted*, That the Mayor and Aldermen of the town of Edgefield, shall serve without any salary, either directly or indirectly, until the first day of January, 1873.

SEC. 5. *Be it further enacted*, That the charter of the corporation of the Town of Edgefield be so amended that no Mayor or Aldermen shall hereafter create any debts against said corporation anticipating the taxes to be laid for any succeeding year, beyond the year for which they are elected; and should any Mayor or Aldermen pass any law, ordinance or resolution to expend or create any debt, greater than the taxes laid or assessed for the year for which they are elected, said act shall be and is hereby declared to be a misdemeanor, and subject those voting for it, to a fine not under five nor over fifty dollars, to be recovered in the name of said corporation as all other fines are collected for violation of the laws and ordinances of said Town of Edgefield; *provided*, the provisions of this section shall not apply to the subjects connected with the establishment of free schools in said corporation, or on the assessments on property for the improvement of streets and sidewalks. Not to create debts.

SEC. 6. *Be it further enacted*, That the Mayor and Aldermen of Edgefield, be, and they are hereby empowered to lay off said town into wards of convenient size and shape, and as near equal in territory and propotion as can be done by proper metes and bounds, and cause a plan and description of each ward, to be entered at large on the Recorder's books of said corporation. Misdemeanor

SEC. 7. *Be it further enacted*, That said Mayor and Aldermen are *further* empowered to designate the number of Aldermen to be elected by each ward to serve the ward in the Board of Mayor and Aldermen for the next year. Wards, etc.

SEC. 8. *Be it urther enacted*, That the Mayor shall be elected by the qualified voters of the corporation, to serve one year, and until a successor is elected and qualified, at the same time the Aldermen are elected, and vacancies Number of Aldermen.

Election, Vacancies, etc.

in the office of either Mayor or Aldermen; shall be filed by the Board for the unexpired term.

Powers in  
certain Acts.

SEC. 9. *Be it further enacted*, That the Mayor and Aldermen of Edgefield are hereby invested with the same power and authority contained in section 9 of An Act passed January 31, 1848, for the benefit of the City of Nashville, and also to the benefit of section 5 of the Act passed 23d of February, 1856, for the amendment of the Charter of Nashville.

Duties of  
Mayor.

SEC. 10. *Be it further enacted*, It shall be the duty of the Mayor to preside at all meetings of the Board of Aldermen, but he shall only vote in case of a tie; he shall appoint all committies, and can fully examine every bill that passes the Board and approve of the same; and if it should not meet his approbation, he shall return the same at the next meeting of the Board with his objections in writing, when the Board shall consider the objections; and if, after due consideration it should pass the Board by a two third vote, it shall become a law.

School Fund.

SEC. 11. *Be it further enacted*, The Board are hereby authorized to receive the unexpended school funds belonging to the 17th District of said county, arising from the assessments of 1867-8-9, and appropriate the same, to providing school houses for the Public Schools of Edgefield; *Provided*, all the children of said district shall be entitled to an equal benefit of the same. And said Board is authorized to levy a tax not to exceed two mills on the dollars' worth of taxable property of the city, and two dollars on each poll for the purpose of erecting free schools in said corporation, if it should be considered necessary for that purpose; *Provided*, all the children in said 17th Civil District, be entitled to all the privileges of said Common Schools, to the same extent that the children living within the limits of said city are admitted.

Levy Tax.

Paving, etc.

SEC. 12. *Be it further enacted*, That the Board are hereby authorized upon the written application of a majority in interest of the owners of property situated or fronts on any street to contract for the paving and grading said street and making sidewalks along the same; and the costs and expenses thereof shall be assessed upon the property abutting or fronting thereon, and said assessment shall be collected as the taxes of said corporation are now authorized to be collected.

Grading, paving,  
etc.

SEC. 13. *Be it further enacted*, That the said Board are hereby authorized, whenever they may consider it for the public good, to cause to be graded, paved or MacAdamized any public street, lane or alley, or any part thereof,

and appropriate the taxes assessed upon the property abutting on the same, to pay the costs of said improvement; *Provided*, that the owners of said property build at their own expense, good and substantial pavements, in conformity to the ordinances of said corporation.

SEC. 14. *Be it further enacted*, That the Board is hereby authorized and empowered to levy a general tax <sup>General and special taxes.</sup> for general corporation purposes, and a special tax for special purposes, which funds are always to be kept separate and apart.

SEC. 15. *Be it further enacted*, That the said Board are hereby authorized and empowered to exempt from taxation, any species of property it may see proper to exempt, <sup>May exempt property.</sup> although the same may be subject to taxation by the laws of the State, and may likewise exempt any privilege subject to taxation by the State.

SEC. 16. *Be it further enacted*, That should the Mayor and Aldermen of the city of Edgefield establish a system of common free schools, the *pro rata* share of the county school fund shall be paid over to said city's Board of Education, as well as all other cities having a regularly established Board of Education, according to the scholastic population of such city or town. <sup>School fund.</sup>

SEC. 17. *Be it further enacted*, That the Board of Mayor and Aldermen shall have the exclusive right of erecting and constructing gas and water works for the city of Edgefield, and of vending gas-lights, and supplying the city and citizens with water by means of public works; and the privilege may be conferred by contract upon other persons upon such conditions as the said Board may agree upon. <sup>Gas and water works.</sup>

SEC. 18. *Be it further enacted*, That the said Board is hereby authorized to issue bonds of the city of such a character and amounts as they may deem best for the accomplishment of any particular corporation purposes; <sup>May issue bonds.</sup> *provided*, they should be authorized so to do by a majority of two-thirds of the voters of said city at a general election to be held for that purpose.

SEC. 19. *Be it further enacted*, That said Board shall have the right of contracting for the building of one or more bridges across Cumberland River, so as not to interfere <sup>Bridges.</sup> with the navigation of the same; *provided*, they obtain the consent of the corporation of Nashville and the County Court of Davidson county.

SEC. 20. *Be it further enacted*, That An Act passed by the 35th General Assembly of the State, locating the Sevierville Bank at Chattanooga, be, and the same is

hereby so amended that the said bank be located at London, Roane county, Tennessee.

Bank at London.

SEC. 21. *Be it further enacted*, That M. McCormack & Co., and their successors and assigns, manufacturers and dealers in ales and mineral waters, and all other manufacturers and dealers in ales, mineral waters, and other compounds, in the State of Tennessee, be, and they are hereby vested with the proprietary right in and to all bottles into which such ales, mineral waters or other compounds, are put, and may sue for and recover the same in whosoever hands or wherever in the State, the same may be found; *Provided*, that the name of the owner or proprietor of such bottles is blown into such bottles with notice, also blown into such bottles that the same belongs to such proprietor.

McCormack & Co's property right.

SEC. 22. *Be it further enacted*, That it shall be unlawful for any such manufacturer or dealer in ales, mineral waters or other compounds, in the State of Tennessee, to use the bottles of any other such dealer or manufacturer, and in case such bottles shall be so wrongfully used, the proprietor or owner of such bottles, may maintain an action therefor and for damages for such wrongful use.

Damages for using bottles.

SEC. 23. *Be it further enacted*, That William R. Elliston, Samuel Watkins, John M. Bass, John H. Williams, C. A. R. Thompson, Wm. R. Hynes and Samuel Murphy, are hereby created a body corporate, by the name and style of the "Nashville and Fair Ground Street Railroad Company," and in their corporate capacity, may sue and be sued, may purchase and hold such real estate and personal property as may be necessary and convenient to construct, equip, and operate a hores street railroad from any point on Church or Spring street, in Nashville, along said street to the Penitentiary, thence by such route as the Board of Directors may select, to a point on the Richland Turnpike, near the Fair Ground of the Tennessee Agricultural and Mechanic Association.

Nashville Fair Ground street Railroad.

Privileges.

SEC. 24. *Be it further enacted*, That the said Wm. R. Elliston and associates, are to constitute the first Board of Directors, and shall hold their offices for one year from the date of their organization, and until their successors are elected and qualified; they shall open books for the subscription of the capital stock of said company; and may enact such by-laws, rules and regulations, as they may deem necessary for conducting the business of said company, not inconsistent with the Constitution and laws of the State of Tennessee or of the United States.

Board of Directors.

**SEC. 25.** *Be it further enacted,* That the capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each, and to be paid as called for by said Board of Directors.

**SEC. 26.** *Be it further enacted,* That the Nashville and Fair Ground Street Railroad Company, hereby incorporated, is hereby invested with all the rights and privileges heretofore granted to the West Nashville Street Railroad Company, by An Act of the General Assembly passed January 9, 1865; *Provided,* the assent of the West Nashville Street Railroad Company shall be had and obtained to such provisions of this charter, as may conflict with the rights and privileges of the said West Nashville Street Railroad Company; this Act to take effect from and after its passage.

Rights, pow's  
and privileg's.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 26, 1870.

## CHAPTER LXXIII.

**AN ACT** to Repeal so much of An Act entitled "An Act to Repeal Section 12, Chapter 192, of the Acts of 1853 and 1854, and for other purposes, passed March 3, 1868," as Extends the Corporate Limits of the Town of Shelbyville.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 2 of An Act passed March 3, 1868, entitled "An Act to repeal section 12, chapter 192, of the Acts of 1853 and 1854, and for other purposes," be, and the same is hereby repealed.

**SEC. 2.** *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 26, 1870.

## CHAPTER LXXIV.

AN ACT to Give A. J. Tipton Further Time to Close out the Business of his Office.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That A. J. Tipton, Superintendent of Public Instruction for the State of Tennessee, be, and he is hereby granted the further time of three months to wind up and close out the business of his office, in addition to the ninety days allowed him by a recent Act repealing the Act creating his office.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. D. THOMAS,

*Speaker of the Senate*

Passed February 26, 1870.

## CHAPTER LXXV.

AN ACT to Incorporate the Montana College, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. F. Glass, Esq., J. M. Ladd, Wm. Lowe, Esq., A. L. Anderson, Hon. Wm. H. Adams, David M. Roddy, Joel J. Pyatt, R. B. Sherley, John C. Abernathy and J. C. Wasson, and their successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of Montana College;" and that said College shall have succession for a period of ninety-nine years under the aforesaid name; possessing full power and authority to sue and be sued, plead and be impleaded, answer and be answered

Trustees.

Privileges.



any of the courts of law or equity in this State; and to give upon their form of seal, and use the same, and change or alter it at their pleasure.

SEC. 2. *Be it further enacted*, That the said Trustees, their associates and successors, under the style aforesaid, shall have power to acquire and to hold real and personal estate, by renting, purchasing, or by building, or by gift, devise or bequest, to sell or exchange the same; to create professorships, and to endow the same; to receive any sum of money, or any gift of property of any kind, for the purpose of defraying any expenses whatsoever in founding and endowing the aforesaid College; that they may open subscription books at such points as they may select, to receive subscriptions of any kind for the aforesaid College, in endowing or advancing the interest of the same, in procuring or erecting buildings, or in any way advancing the interest of said College.

Powers of Trustees.

SEC. 3. *Be it further enacted*, That the aforesaid Trustees shall have the power of declaring vacant the seat of any Trustee who absents himself for a period of one year; and that the President of the Board of Trustees shall convene them at a specified place whenever in his judgment, it shall be necessary for the interest or business of the College to have them convened; and that a majority of the aforesaid Trustees shall be a quorum to transact business of any kind connected with the College.

Vacancies, meetings, etc.

SEC. 4. *Be it further enacted*, That the aforesaid Board of Trustees, by and with the advice of the President, who shall be elected by them, shall prescribe the course of study and discipline of the Institution; and shall organize any department or departments for the specific branches of the arts and sciences; divide the College course into classes; select and elect all the officers, to-wit: President of the College, Professors, or any officers they may choose or deem necessary for the management of the College; grant diplomas, and confer degrees under the seal of the College and the signatures of the officers of the same; and that the diplomas granted or conferred by the Faculty and Trustees, shall designate certain degrees, to be determined upon by them according to the attainment of the student; and that said degree shall entitle the possessor to all the immunities and privileges allowed by like degrees from other institutions of learning.

Regulations.

Officers, literary degrees, etc.

SEC. 5. *Be it further enacted*, That said Montana College shall be located at or near the noted watering place known as Sulphur Springs, in Rhea County, East Tennessee, and that all property belonging to said College

Property exempt from taxes.

shall be exempted from State, County, or Corporation taxes forever—that is to say, that all property real or personal, hereafter acquired, shall be exempt from taxes; and that no misnomer or misdescription in the name of the corporation of Montana College, in any will, deed, gift, grant, shall vitiate the same, or defeat it.

Maury Co.  
Agr., Mech.,  
etc., Society.

Powers and  
privileges.

By-laws, fees,  
etc.

SEC. 6. *Be it further enacted*, That Ben. Harlin, R. Gordon, George Lipscomb, J. L. Williams, T. W. Keese, John W. Neeley, John A. Miller, Edward Kuhn, W. S. Ridley, W. P. Stockard, W. Vance Thompson, James H. Thomas, Samuel F. Mayes, A. J. Stanfill, D. Mayers, N. C. Gillespie, Jno. P. McGaw, W. J. Moore, D. T. Chappel, G. M. V. Kinzer, and their associates and successors, are hereby constituted and created a body politic and corporate, by the name and style of the "Maury County Agricultural, Mechanical, Horticultural and Live Stock Society;" and in its corporate name to make contracts; to sue and be sued; to plead and be impleaded; to hold by purchase, gift or otherwise, any real estate or personal property which may be necessary and proper for carrying on its operations, and to dispose of the same according to the rules, regulations and by-laws that may be adopted by said corporation; with power to erect buildings, hold fairs and exhibitions, and to offer and award prizes or premiums; and otherwise to encourage the agricultural, mechanical, horticultural, household and live stock interests of Maury County; and to make and adopt such by-laws, rules and regulations, not inconsistent with the Constitution and laws of the United States or of the State of Tennessee, as they may deem necessary and proper for the government, management and well-being of said corporation; and to charge and collect such toll or fees at the gates on the premises, for persons or stock entering the same, and such fees and charges for the privilege of exhibiting stock or any article, or contending for a premium as the Board of Directors may see proper; and to do all things not inconsistent with this Act, or with the Constitution and laws of the United States, or State of Tennessee, to promote the agricultural, mechanical horticultural and live stock interests of Maury County.

SEC. 7. *Be it further enacted*, That the capital stock of said company, shall be five thousand dollars, with liberty to increase the same to twenty five thousand dollars; to be divided into shares of not less than fifty dollars each; to be subscribed and paid for as the Board of Directors of said corporation may direct. The shares of said

It shall be considered personal, property, and shall be transferable only on the books of said corporation, in person or by attorney in fact.

SEC. 8. *Be it further enacted*, That the persons named in the first section of this Act, or any five of them, shall be authorized to act as Commissioners, with power to open books for, and to receive subscriptions of stock for said corporation; and when the sum of two thousand dollars has been subscribed, said persons, or any five of them, shall call a meeting of the stockholders or subscribers of said corporation, for the purpose of holding an election for fifteen Directors, in and for said corporation, which election shall be held in the town of Columbia, Maury County, Tennessee, and notice of the time of said election shall be given by publication in the Columbia Herald, at least ten days previous thereto; that said Directors shall be elected by ballot of said stockholders or subscribers; each stockholder or subscriber shall be entitled to cast one vote for each share of said stock owned by him; but no one shall be allowed to subscribe or own more than five shares of said stock; and said Directors shall hold their offices until their successors are elected in their stead.

Com'rs to  
open books.

Election of  
Directors.

Voting.

SEC. 9. *Be it further enacted*, That the office or place of business of said corporation shall be in Maury County, Tennessee; and there shall be annual meetings of said corporation held at their office or place of business, at such times as the Board of Directors in and for said corporation, may, from year to year, determine; and of which times of said annual meetings, notice shall be given by publication for at least two weeks in some newspaper published in the town of Columbia in said county and State; and at such annual meetings of said corporation, the Directors thereof shall be elected for the ensuing year; and said corporation shall hold such other meetings at such times and places as the Board of Directors may order and appoint.

Meetings.

SEC. 10. *Be it further enacted*, That the business of said corporation shall be conducted by a Board of Directors, to be elected by the stockholders thereof, as herein provided, eight of whom shall constitute a quorum for the transaction of business; that said Directors shall elect one of their own number President, and shall elect from among the stockholders or subscribers of said corporation, a Vice-President, Treasurer and Secretary; and may elect or appoint such other officers or agents as they may deem

How business  
conducted.

necessary and proper, and whose duties shall be prescribed and salaries, if any are allowed, fixed by said Board of Directors.

**Failure to hold elections.** SEC. 11. *Be it further enacted,* That said Directors, President, Vice-President, Secretary and Treasurer, shall hold their offices respectively for one year, and until their successors are elected in their stead; but a failure on the part of said stockholders or subscribers to elect a Board of Directors, or on the part of said Directors to elect annually as herein provided, a President, Vice-President, Secretary and Treasurer, shall not work a forfeiture of the charter, or vacate said offices; but said Directors, President, Vice-President, Secretary and Treasurer, shall hold their offices for the term of one year, and until the election, qualification and installation in office of their successors in their stead.

**Payments of stock, etc.** SEC. 12. *Be it further enacted,* That the Board of Directors of said corporation, shall, by resolution, prescribe and regulate the time and manner for the payment of the stock taken and subscribed for in said corporation; and on failure of any stockholder or subscriber, after thirty days' written notice, to pay his stock, as required by said Board of Directors, said stock unpaid, shall be declared forfeited, and shall be canceled on the books of said corporation.

**Liability of stockholders.** SEC. 13. *Be it further enacted,* That no person shall be liable, by virtue of his subscription of stock in said corporation, for more than the amount of said stock; and when the same has been fully paid, he or she shall not be personally liable for any debt or obligations of said corporation, unless he or she shall expressly engage or become liable for the same.

**Gaming, etc, prohibited.** SEC. 14. *Be it further enacted,* That no devices for gaming or gaming tables, nor ledgerdemain, magicians' tricks, or slight of hand, nor sale of intoxicating liquors, shall be allowed or permitted on the premises of said corporation.

**Police powers, etc.** SEC. 15. *Be it further enacted,* That during the time of holding their fairs or exhibitions, said Board of Directors shall have power to preserve the peace and maintain quiet and good order on their premises; and shall have power to appoint a special police to assist them in so doing; and said police shall have full power to arrest all disorderly and intoxicated persons and all persons using any obscene language or language calculated to provoke a breach of the peace, or in any way acting in a riotous or disorderly manner, and take them before some acting Justice of the

Peace for said county of Maury, to be dealt with by him, as in such cases provided by law.

SEC. 16. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXVI.

AN ACT to Incorporate Niagara Fire Company No 3, of the City of Knoxville, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Allen McNutt, William H. Porter and William Yardly and others, of Knoxville, are hereby incorporated under the name and style of "Niagara Fire Company No. 3, of the City of Knoxville," and shall have succession for thirty years, with power to continue its organization; to establish and own a library; to own a house and lot for its engine and books, and the general transaction of business, and with power to sell and convey said property and re-invest the proceeds for the benefit of said company; also with the further power to pass rules and by-laws for the government of the members, and to enforce the same for the purpose of effecting the objects of its organization; and with power to use a common seal.

Corporators.

Privileges.

SEC. 2. *Be it further enacted*, That the corporation of the Town of Clifton, in the County of Wayne, be extended as follows, to wit: Beginning at the south-east corner of the corporation, where the old bridge on Rose's Creek, on the Clifton and Carrollville road, running thence south (400 or 500) four or five hundred yards; thence westwardly, passing east and south of Mrs. Rickets, to David Roache's old mill place, on Roache's Branch; thence down said branch, with its meanders, to the Tennessee River;

Boundaries of Town of Clifton.

thence down said river, with its meanders, to the mouth of Rose's Branch, and up said branch to the beginning.

**Fay've and Well's Hill Turnp. Co.** SEC. 3. *Be it further enacted*, That the Fayetteville and Well's Hill Turnpike Company shall not have power to erect or establish a gate within one mile of the Town of Fayetteville; and that all laws or parts of laws in conflict with this Act be, and the same is hereby repealed.

**Chickasaw Jockey Club.** SEC. 4. *Be it further enacted*, That, WHEREAS, It is represented to the General Assembly of the State of Tennessee that an association has been formed at Memphis, in this State, for promoting the improvement of blooded horses under articles of agreement; and that said association have selected E. M. Epperson, Edward Breathitt, J. R. Chambers, C. B. Church, F. S. Davis, J. H. Edmonson, R. Fontaine, W. B. Gulbrath, A. J. Heyes, J. W. Jefferson, J. M. Rodgers, C. A. Rose, W. L. Vand, and Woodward, Directors thereof; and that they have leased grounds and purchased a small amount of personal property; but to remedy inconveniences and embarrassments, and to restrict the liability of members to the amount of stock owned by each, they desire a charter, which is deemed reasonable; Therefore,

**Powers and privileges.** *Be it further enacted*, That the said Directors and all the stockholders of said association be incorporated, and they are hereby created a body politic and corporate, by the name and style of the "Chickasaw Jockey Club," and by that name they shall have succession for fifty years; and may sue and be sued, with full powers to carry on all sports usually exhibited on a race course, not inconsistent with the laws of the State.

**Property.** SEC. 5. *Be it further enacted*, That said corporation shall have power to purchase or lease real and personal property, and to sell, alien and convey the same.

**Rules, etc.** SEC. 6. *Be it further enacted*, That the stockholders of said corporation shall have power and authority to make all needful rules and regulations for the government of their officers; and may prescribe the number and character of their officers, and elect the same in such manner as they see proper.

**Personal estate.** SEC. 7. *Be it further enacted*, That shares of said corporation shall be deemed personal estate, and be transferable in such manner as said corporation shall, by its rules and by-laws, prescribe.

SEC. 8. *Be it further enacted*, That W. G. Harding, M.

Burns, B. F. Cockerill, W. H. Johnson, Balie Peyton, John Kirkman, R. B. Cheatham, their associates and successors, be, and they are hereby incorporated as a body politic and corporate, under the name and style of the "Nashville Blood Horse Association," and as such shall have power to sue and be sued; shall be entitled to have and use a common seal; shall have succession for fifty years, and may generally do and exercise all the privileges of like corporations; and shall be entitled to all the privileges conferred by this Act upon the Chackasaw Jockey Club.

SEC. 9. *Be it further enacted*, That John H. Tomlinson, W. O. Butler, W. W. Lyons, James B. Fortune, Kit Johnson, A. W. Campbell, Lockel Brown, their associates and successors, be, and they are hereby incorporated as a body corporate, under the name and style of the "Jackson Blood Horse Association," and as such shall have and enjoy all the rights and privileges conferred by this Act upon the Nashville Blood Horse Association.

SEC. 10. *Be it further enacted*, That C. M. McGhee, C. W. Charlton, James S. Boyd, John Williams, John M. Fleming, W. P. Elliott, C. W. Park, Thomas O. Conner, Samuel H. Davis, W. B. Smith, Joseph A. Mabry, H. S. Chamberlain, their associates and successors, be, and they are hereby incorporated as a body corporate and politic, under the name and style of the "Knoxville Stock Association," and as such, shall have and enjoy all the rights and privileges conferred by this Act upon the "Chickasaw Jockey Club," and the "Nashville Blood Horse Association."

SEC. 11. *Be it further enacted*, That the said companies or organizations hereby incorporated shall not be required to pay the privilege or other taxes to which they might be liable under general laws.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
Speaker of the House of Representatives.  
D. B. THOMAS,  
Speaker of the Senate.

Passed February 28, 1870.

## CHAPTER LXXVII.

## AN ACT to Incorporate the Memphis Water Company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas W. Brown, John S. Toof, John Gunn and Benjamin C. Brown, and such other persons who may associate themselves with them, be and they are hereby constituted a body corporate, under the name and style of the "Memphis Water Company;" and by that name shall have succession for ninety-nine years, and shall have power to contract and be contracted with; to sue and be sued; to have and use a common seal; to borrow money upon their bonds or other obligations, for such amount and upon such conditions as to time and place of payment and rates of interest as may be agreed upon between the contracting parties; to purchase and hold such real estate and personalty as may be necessary for the exercise and enjoyment of the powers and privileges by this Act conferred upon said company; to elect all necessary officers; to make and establish by-laws, and generally to exercise all the powers and privileges incident to corporations.

**Corporators**

**Powers and privileges.**

**SEC. 2.** *Be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, which sum, when necessary, may be increased to two million dollars, by vote of the stockholders. Said stock shall be divided into shares of one hundred dollars each; and each share upon which all legal calls have been paid, shall entitle its holder to one vote in all elections of the company; *Provided,* that—except at the first election—no share of stock shall entitle its holder to a vote unless he shall have held the same in his own right at least sixty days previous to said election. Stock shall only be assigned upon the books of the company.

**Capital stock.**

**Proviso.**

**SEC. 3.** *Be it further enacted,* That the management of the affairs of said company shall be vested in five Directors, who shall be elected at a general meeting of the stockholders annually. Said Directors shall elect one of their number to be President of said company. They may also appoint a Secretary and Treasurer for said company, and may take from such officers a bond in such sum as they may deem sufficient, conditioned for the proper performance of his duties, and for correctly accounting for

**Election of Directors.**



all moneys which may come to his hands. All officers elected shall hold their offices until their successors are elected and qualified. Other officers.

SEC. 4. *Be it further enacted*, That said company shall be and is hereby authorized to establish and construct water works in and adjacent to the City of Memphis, in this State; and to supply the said city and the inhabitants thereof, with a plentiful supply of water; and for this purpose they are hereby authorized and empowered, and invested with the exclusive privilege to lay down pipes, and to extend aqueducts and conductors through all or any of the streets, lanes and alleys of the City of Memphis, and to supply the inhabitants of said city with water, by public works; and for the purpose of laying down such pipes, aqueducts and conductors, may take up the pavements or sidewalks upon such street; *Provided*, that said pavements and sidewalks shall be taken up in such manner as to give the least inconvenience to the inhabitants of said city; and that the same shall be replaced with all convenient speed, by and at the expense of said company. The privilege hereby granted to be exclusive for thirty years only—after which it is not to be exclusive. Purposes and powers. Proviso.

SEC. 5. *Be it further enacted*, That the works and operations of said company shall be so constructed and managed as not to affect the health or comfort of the citizens of Memphis prejudicially; and nothing in this Act shall be so construed as to absolve the company from any legal proceeding to restrain or abate any nuisance arising from their operations. Health of city.

SEC. 6. *Be it further enacted*, That if any person shall injure or destroy any portion of the works, fixtures or other property of the company, such person or persons shall be liable to the company for all damages sustained by them in consequence of such act or proceedings, and in addition thereto shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not less than one hundred or more than one thousand dollars. Injury of property, etc.

SEC. 7. *Be it further enacted*, That said company shall be, and they are hereby empowered and authorized to condemn and take such lands as may be necessary for the establishment of their reservoirs and works; and the right of way through all lands between their reservoirs and the said city of Memphis, to lay their pipes, aqueducts or conductors, and to keep the same in repair, is hereby granted them; *Provided*, that such pipes and conductors shall be laid in such manner as to do as little injury to the property of private persons as possible; and *provided further*, that May condemn lands.

the company shall make compensation to the owner of the real estate so condemned or taken, or through which the pipes, conductors or aqueducts may be laid. If the owner and the company cannot agree upon the amount of compensation which should be paid, the same shall be assessed in the manner provided by the Code of Tennessee, section 1325 to 1348.

SEC. 8. *Be it further enacted*, That the stock of the company shall be paid up on such calls as the President and Directors may prescribe. Any stockholder who shall fail to pay any call made by the Directors, shall forfeit his stock and all payments made thereon; or the President and Directors may recover the amount of such calls by suit. The company shall have no power to release stockholders from payment of their stock, to the prejudice of creditors. Said company may organize whenever the sum of fifty thousand dollars is subscribed.

SEC. 9. *Be it further enacted*, That to secure payment of bonds issued or moneys borrowed, the President and Directors may mortgage all the property of the company existing at the date of the mortgage, as well as all property by the company to be afterwards acquired, and the franchises granted by this Act; and in case of foreclosure and sale of such mortgage, the purchaser or purchasers shall succeed to and be vested with all the powers and privileges, and be subject to all the duties and liabilities of said company.

SEC. 10. *Be it further enacted*, That said company shall furnish water to the City of Memphis, sufficient to supply the public offices, police stations, hospitals and engine houses, and for extinguishing fires, free of charge; but this section shall not be so construed as to authorize said city to use the water supplied by said company for cleaning or sprinkling the streets, or for any other such purpose, without paying therefor. Said company shall also furnish, free of charge, whenever required by the city, water sufficient to supply a fountain (to be erected by the city) in Court Square, and another in Market Square.

SEC. 11. *Be it further enacted*, That, at any time after twenty years after the passage of this Act, the City of Memphis, should the authorities thereof desire to do so, shall have the right to purchase the works, pipes and other property of the company, upon such terms as to price and mode of payment, as may be agreed upon. Should the parties be unable to agree upon a price, such works shall be valued by five disinterested persons—two to be appointed by each party, and the fifth to be selected by the

Provisos.

Capital stock,  
organization,  
&c.

May mort-  
gage property

Furnish city  
with water  
free.

May sell  
works to city.

four thus appointed—and upon payment to the company of the valuation so assessed, the right to all such property and to the privileges granted by this Act, shall vest in said city.

SEC. 12. *Be it further enacted*, That all Acts in conflict with this Act be, and the same are hereby repealed; and that this Act shall take effect and be in force from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXVIII.

AN ACT to Incorporate the Town of Waynesboro in the County of Wayne, and for other purposes

SECTION 1: *Be it enacted by the General Assembly of the State of Tennessee*, That the following boundaries shall constitute the limits of the corporation of the Town of Waynesboro in the County of Wayne, to wit: Beginning at the mouth of the Morris Branch; thence up said branch to a stake, the corner of Jonathan Morris' Lot; thence south to the south-east corner of said lot; thence on a direct line to the south-west corner of Alexander Jourden's Lot; thence on a direct line to the north-west corner of Mathew Collier's Lot; thence east to Green River; thence up said river with the west and south bank to the beginning. Boundaries.

SEC. 2. *Be it further enacted*, That the Town of Waynesboro aforesaid, and the inhabitants thereof, being a body politic and corporate by the name and style of the "Mayor and Aldermen of the Town of Wanesboro," shall have succession for ninety-nine years; and by their corporate name, may sue and be sued, plead and be impleaded, in all courts of law and equity. Privileges.

SEC. 3. *Be it further enacted*, That there shall be elected on the first Saturday in March in each and every year, by the qualified voters resident in the bounds of said cor- Election of Mayor and Aldermen.

Duties, etc.

their hands, or in the hands of the Treasurer, and turn over all property and deliver up all books and papers in their hands, and those of their appointees, belonging to said corporation; the Mayor to have the jurisdiction of a Justice of the Peace; to set and have a vote in the County Court; to try causes brought before him; and to have the fees allowed by law to a Justice.

Humboldt and Milan to have Work-houses.

SEC. 10. *Be it further enacted*, That the corporations of the towns of Humboldt and Milan, in Gibson county, Tennessee, be, and they are hereby authorized to establish a Work-house in each of said towns, for the correction of such persons as may be confined therein, by the corporate authorities of either of said towns, and for taking care of such indigent persons as may be placed therein; and all such other and further powers as may be necessary for carrying out the provisions of this section, not inconsistent with the Constitution and laws of the State of Tennessee and of the United States; and that this Act shall take effect from and after its passage.

W. O'N PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXIX.

AN ACT to Incorporate the Blue Grass Railroad Company.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That General J. D. C. Atkins, General John H. Dunlap, Robert B. Hurt, of Tennessee; L. M. Flournoy, M. H. Coffee, J. S. Woolfolk, J. B. Lowmen, B. J. Peters, S. W. Morton, George B. Magoffin, Gov. Wm. Johnson, D. J. Williams, Isaac Vanmeter, of Kentucky, be, and they are hereby appointed Commissioners, under the direction of whom, or any three of whom, subscriptions may be received to the capital stock of the Blue Grass Railroad Company, which is hereby incorporated; and they may cause books to be opened at such

times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, To open after having given such notice as they deem proper; and if books. such amount of subscriptions to the capital stock of said company, as is necessary to its incorporation, shall not have been obtained, said Commissioners, or a majority of them, may cause said books to be opened from time to time, and may adjourn to such place as they may deem proper, until the sum necessary to its incorporation, shall be subscribed; *provided*, that any subscription tendered at any time and place other than those advertised, that may be received by said Commissioners, or any and all of them, shall be as valid against the parties subscribing as if received at the time and place advertised. And if any of said Commissioners shall die, or resign, or refuse to act during a continuance of the duties devolved upon them by this Act, others may be appointed in their stead by a majority of those remaining. Proviso.

SEC. 2. *Be it further enacted*, That the capital stock of the Blue Grass Railroad Company shall be five million of dollars, in shares of one hundred dollars each, which may be subscribed by any individual, company or corporation; and as soon as two thousand shares of said stock shall be subscribed, the subscribers, their successors and assigns, shall be, and are hereby declared to be incorporated into a company by the name of the "Blue Grass Railroad Company," and by this name shall be capable of purchasing, holding, selling, leasing and conveying real estate not exceeding two thousand acres, and personal estate so far as the same may be necessary for the purpose of the corporation; and shall have succession for ninety-nine years; and by said corporate name may sue and be sued, contract and be contracted with; and may have and use a common seal, alter or renew the same at pleasure; and shall have and enjoy all the privileges which other similar corporate bodies may lawfully do. Capital stock.  
Powers and privileges.

SEC. 3. *Be it further enacted*, That there shall be paid, at the time of subscribing for stock in said company, to the person receiving subscription, the sum of one dollar on each share, either in money or in a note or notes, at not more than sixty days, payable to some one or more of said Commissioners, and negotiable in some bank. The residue of said subscription shall be payable in installments at such times as may be required by the Board of Directors of said company; but no such payment shall be demanded until at least ten days' notice shall have been given by publication in one or more newspapers, published on the line Bonus, payments, etc.

Failure to  
pay.

Forfeitures.

Provisos.

Real estate.

Meeting to or-  
ganize.

of said road; and if any subscriber shall fail to pay any installments or part of any installments when so demanded, the said amount may be recovered by an action in the name of the corporation before any court having jurisdiction in such cases; and in all such actions it shall not be necessary to prove any other demand than the publication provided for in this section; or in case such failure to pay any installment or part of installment so demanded, shall continue for the space of sixty days after the time the same is required by such demand to be paid, the Board of Directors may at their discretion, order the same to be forfeited to the company, and may, if they think proper, sell said share or shares for the benefit of the company, or in the event of the highest bid being less than the unpaid balance and interest on said subscription, then the company may become the purchaser and shall retain said subscriptions; but the Board of Directors by a majority of the whole, may remit such forfeiture on such terms as they may think proper; *provided*, it shall be lawful for the Commissioners, or Board of Directors, to receive subscriptions to said capital stock, payable in contracts, well secured to build any parts of said road or any bridge or bridges on the same, or to perform any work or furnish any material which may be accepted by the company; and *provided further*, that subscriptions to said capital stock may be made in real estate situated in Tennessee, if said subscription shall be tendered to the Board of Directors after their organization; said real estate to be taken at its cash value, to be assessed at the time by three Commissioners on oath, of whom two shall be selected by the company, and one by the person proposing to subscribe. Upon their report in writing, describing the land and assessing its cash value, the company may receive the same at its value, and issue a stock certificate, and may take a deed of conveyance in fee simple, to the real estate received for stock subscriptions, and which the company is hereby authorized to receive, shall be over and above the two thousand acres mentioned in the second section of this Act.

SEC. 4. *Be it further enacted*, That, at the expiration of the period for which the books are first opened, if two thousand shares of the capital stock shall have been subscribed, and if not, as soon thereafter as the same shall be subscribed, said Commissioners or a majority of them living, shall call a meeting at such time and place as a majority of those acting shall designate, giving at least ten days' notice of the time and place, in one or more newspapers published as aforesaid; and at such meeting said Com-

Commissioners shall lay the subscription books before the subscribers then present; and thereupon said subscribers or a majority of them then present shall have power to elect, out of their own number by ballot, nine Directors, to manage the affairs of said company; and these nine Directors, or a majority of them, shall have power to elect a President of said company from among the Directors, and to allow him such compensation for his services as they may think proper; and at such election, and on all other occasions when a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share of stock owned by such voter; and any stockholder may, in writing, depute any other person to act as proxy for him or her; and said Commissioners aforesaid, or any three of them, shall be judges of first said election.

Directors,  
powers, etc.

**SEC. 5.** *Be it further enacted,* That to continue the re-election of the President and Directors of said company the Directors shall be chosen annually on the first Saturday in June of each year, at such place as the President and Directors may appoint by the stockholders of said company; *provided,* that the President and Directors may change the time and place of holding elections upon publishing such change, not less than thirty days prior to the election, in the newspapers aforesaid; and that the Directors of said company or a majority of them, shall have the power to appoint judges of all elections and to elect a President of said company from among themselves, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur by death, resignation or refusal to act, of any President or Director, before the year for which he was elected shall have expired, a person to fill such vacancy shall be appointed by the President and Directors or a majority of them; and that the President and Directors of said company shall hold and exercise their offices until their successors are duly elected and qualified and enter upon the discharge of their duties; and all elections which are by this Act or by the by-laws of said company to be made at a particular time, if not made at such time, may be made in ninety days thereafter, upon notice published in the newspapers aforesaid.

Annual election.

Vacancies.

Terms of office.

**SEC. 6.** *Be it further enacted,* That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings by the President and the Directors or a majority of them, or by the stockholders owning one-half of all the stock subscribed, upon giving thirty days' notice of the time and place of holding the same, in the newspapers aforesaid;

Called meetings.

May adjourn  
over.

and when any such meeting is called by the stockholders such notice shall specify the object of the call; and if any such called meeting a majority of all the stockholders are not present in person or by *proxy*, the same shall be adjourned from day to day, without transacting any business for any time not exceeding five days; and if, within five days stockholders having a majority in value of the stock subscribed do not attend in person or by *proxy*, such meeting shall be dissolved.

Statements.

SEC. 7. *Be it further enacted*, That the President and Directors of said company in office for the preceding year shall, at the regular annual meeting of the stockholders exhibit a clear and distinct account of the affairs of said company; that any called meeting of the stockholders, a majority in value of the whole of the stock subscribed being present, may demand and require, similar statements from the President and Directors, whose duty it shall be to furnish such statement when so required.

Oath, bond,  
etc.

SEC. 8. *Be it further enacted*, That the President and Directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the President and Directors, or a majority of them, shall have power to elect or appoint a Treasurer of said company and require and take of him a bond in such penalty and with such securities as they may prescribe, payable to said company, conditioned for the faithful keeping and disbursing of all such money as may come into his hands and with such other conditions as may be prescribed, upon which bond recovery may be had for a breach of the conditions thereof, by suit in the name of the company, and in any court having jurisdiction.

Subscriptions  
after elections.

SEC. 9. *Be it further enacted*, That, if any of the stock authorized by this Act shall remain unsubscribed until after the election of President and Directors, as provided for in the fourth section of this Act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to the stock which shall remain unsubscribed, or to sell and dispose of the same for the benefit of the company, not under the par value of such stock; and the subscribers or purchasers of such stock shall have all the rights of original subscribers, and be subject to the same regulations and liabilities.

SEC. 10. *Be it further enacted*, That the President and Directors, or a majority of them, may appoint all such



rs, agents, or servants as they may deem expedient  
 the business of the company, and may remove the  
 at pleasure; or said Board of Directors may delegate  
 their President the power to appoint or remove any or Appointment  
of officers.  
 such employes, subject to their approval at their first  
 ing thereafter. That they, or a majority of them,  
 determine by contract the pay of such officers, agents  
 rvants, and regulate by by-laws the manner of ad-  
 ing all accounts against the company, and the extent  
 the liability of the company to employes; that they General pow-  
ers of Board.  
 have power to enact, carry on and conduct and con-  
 workshops, eating-houses, ware-houses, and any build-  
 or edifices necessary or convenient for the use of said  
 pany; that they shall have power to direct and regu-  
 in what manner and by what evidence stock in said  
 pany may be transferred; and to pass all by-laws they  
 deem necessary and proper for exercising the powers  
 by vested in said company, and for carrying into effect  
 Act, and to alter the same at pleasure; *Provided*, the  
 be not contrary to the Constitution and laws of the  
 ted States or of this State.

Sec. 11. *Be it further enacted*, That if the capital stock  
 said company shall be deemed insufficient for the pur-  
 of this Act, it shall be lawful for the President and Stock may be  
increased.  
 ctors to increase the same as much as they may deem  
 ssary, not exceeding the sum of ten millions of dollars,  
 ng notice as hereinbefore required; and the said com-  
 y may borrow any sum of money not exceeding five  
 ions of dollars, and secure the payment of the same  
 he issue of first mortgage bonds of their road, or in  
 way as may be agreed upon.

Sec. 12. *Be it further enacted*, That the President and  
 ctors of said company are hereby vested with all the To make con-  
tracts, etc.  
 ers and rights necessary to the construction of a rail-  
 l from Jackson, Tennessee, to the Kentucky line, along  
 route as may be selected by the President and Di-  
 rs; and that they may cause to be made contracts,  
 ch shall be signed by the President, with any corpora-  
 s, companies or individuals, for making said road or  
 part of it; and that they may purchase or lease any  
 or roads connecting with their said road, in or out of  
 State, and may build branches from said road or roads;  
 that their agents, engineers etc., or those with whom  
 y may contract for surveying or making the same, or May enter on  
 part thereof, may enter upon, use and excavate any land.  
 f which may be wanted for the site of said road, or  
 erection of warehouses, or other structures or works

necessary and convenient to said road, or for its use, any other purpose necessary or useful in the construction and repair of said road, or its works and appurtenances; and they may build bridges and construct tunnels; *Provided*, such bridges shall not obstruct navigation or any navigable stream. And may fix scales and weights, take and use lumber, earth, gravel, stone and other materials necessary or useful in the construction and repair of said road.

May consolidate.

SEC. 13. *Be it further enacted*, That said Blue Grass Railroad Company, the holders of a majority in value of all the stock therein concurring, may agree on terms for consolidating said company with any other railroad company on such terms as may be agreed upon; but no such consolidation shall in any wise affect the holders of mortgage bonds issued by said Blue Grass Railroad Company.

Valuation of land taken.

SEC. 14. *Be it further enacted*, That the President and Directors, or a majority of them, or their authorized agents, may agree with the owners of any land, earth, stone, timber or any other material, or improvement, which may be wanted for the construction or repair of said road or any of their works, for the purchase in fee simple, or the use and occupation of the same; and if they cannot agree, or if the owner or owners of any such land, or there be a *feme covert*, under age, *non compos mentis* out of the county in which the property may lie, application may be made to any Justice of the Peace of said county, who shall thereupon issue his warrant directed to the Sheriff or any Constable of said county, requiring them to summon twenty discreet men, not related to the owner nor in any way interested, to meet on the land or near the property or material to be valued, on a day named in the warrant, not less than ten nor more than twenty days after issuing of the same; and if, at the time and place, any of the said jurors do not attend, said Sheriff or Constable shall forthwith summon as many jurors as may be necessary with the jurors in attendance, and from the party, if present or not present by agent or otherwise, the Sheriff or Constable, for the party absent, may strike off four jurors, and the remaining twelve shall act as a jury of inquest of damages. The Sheriff or Constable may adjourn the jury from day to day; and if they do not agree upon a verdict, it shall be his duty to discharge them and summon another to meet as soon as convenient. Before the jury acts, the Sheriff or Constable shall administer to them an oath or affirmation that they will justly and impartially fix the damage which the owner or owners will sustain by the use and occupation of said property.

Sheriff or Constable to summon, etc.

quired by said company; and the jury in estimating the damages, shall find the owner or owners the actual value of the land or other things proposed to be taken. The jury shall reduce the verdict to writing, and sign the same, and it shall be returned by the Sheriff or Constable to the Clerk of the Circuit Court of his county, and such Clerk shall receive and file it in his office; and such verdict shall be confirmed by the Circuit Court at its next regular term, if no sufficient reason is shown by either party for setting it aside; and when so confirmed, it shall be recorded by the Clerk at the expense of said company; but if set aside the Court shall direct another inquisition, to be held by the Sheriff of the county, in the manner above described; *Provided*, that the company may proceed to construct their said road as soon as the first verdict of the jury shall be returned, whether the same be set aside and a new jury ordered or not. And every inquisition shall describe the property, or the bounds of the land condemned, and the duration of interest in the same value for the company; and such valuation, when tendered or paid to owner or owners of said property, or to the Sheriff of the county in which said inquest is held, when the owner or owners do not reside in such county, shall entitle said company to the use or interest in the same thus valued as fully as if it had been conveyed to it by the owner or owners of the same, if not received when tendered; and the valuation of the same may at any time thereafter within one year, be received from the company, without costs or interest by the owners, his, theirs or its legal representatives; *Provided*, that land condemned for road-way shall not be more than one hundred feet wide, unless said company shall file with the Justice, at the time of applying for a warrant, the affidavits of some one of its engineers, stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated, not to extend one (100) hundred feet each way from center of road bed.

SEC. 15. *Be it further enacted*, That whenever it shall be necessary for said company to have, use or occupy any land, material or other property, in order to the construction or repairing of said road or their necessary works or buildings, the President and Directors or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same; they having first caused the property wanted, to be viewed by a jury, as hereinbefore prescribed; and it shall not be necessary, after such view, in order to the use and occupation of the

Actual value.

Court to confirm.

Title, etc.

May take property, etc.

Jury to value.

same, to wait the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment or tender of such valuation, shall be bar to all actions for taking and using such property, whether before or after such confirmation or payment of such valuation.

County sub-  
scriptions.

SEC. 16. *Be it further enacted*, That whenever the said Blue Grass Railroad Company shall request the County Court of any county, through or adjacent to which it is proposed to construct said road, to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the County Court so requested shall forthwith order an election to be held at the several voting places in said county, on a day to be fixed by the court, not less than thirty days after the making of such order, and shall appoint judges and other officers necessary to hold said election.

Taxes.

SEC. 17. *Be it further enacted*, That the said Blue Grass Railroad Company shall be exempt from taxation until completed; and that it shall never be taxed at a valuation beyond the rate at which said roads are now taxed, not exceeding its actual value.

State aid.

SEC. 18. *Be it further enacted*, That nothing in this Act shall be so construed as to entitle said railroad to State aid under the general Internal Improvement Laws of this State.

Discrimina-  
tions.

SEC. 19. *Be it further enacted*, That no discrimination shall be made against the citizens of Tennessee in the carrying of freights or passengers upon said railway or any part thereof; and the Legislature reserves the right to enforce this provision by all necessary legislation.

SEC. 20. *Be it further enacted*, That the State of Tennessee shall have the same legislative control in this railroad interest or charter that the State holds in other railroads in the State of Tennessee.

Subject to for-  
feiture of  
rights.

SEC. 21. *Be it further enacted*, That the rights, privileges and immunities granted by this Act, be subject to be declared forfeited by any court of competent jurisdiction, upon bill filed on the relation of any citizen of Tennessee, on behalf of the State, for any failure on the part of said railroad company to comply with the terms, stipulations and obligations imposed herein for the benefit and security of the State of Tennessee, on the part of the people thereof; and that a right of action for the redress of any injury caused by or for any claim or demand against said railroad company, shall exist in this State, or any court of judicial tribunal having jurisdiction thereof, against said railroad; and process may be served upon any depot agent of said

Right of ac-  
tion, process,  
etc.

railroad company residing in this State, in the absence of the President or head officer of said railroad company, and the judgment rendered against the said railroad company, or by whatever name it transacts its business, and the property, real and personal, belonging to said railroad company within this State, shall be enforced and be liable for the satisfaction of said judgment—the existence of any mortgage on said rail- Mortgages.  
road and appendages, as provided for in this Act, to the contrary notwithstanding; and before entering on any lands of this State, said railroad company shall accept the provisions of this Act; that said road shall be subject to the same taxation as may be imposed by the Legislature upon other railroads in this State.

SEC. 22. *Be it further enacted*, That all Acts or parts of Acts inconsistent with this Act are hereby repealed; and that this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXX.

AN ACT to Amend An Act to Incorporate the Tennessee, Western and Charleston Railroad Company, passed on the 5th day of January, 1854, and An Act for the Benefit of the Tennessee and Western and Charleston Railroad Company, passed on the 25th day of January, 1856, and An Act to Extend the Time of the Tennessee, Western and Charleston Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the words "First Monday in March, 1854," in the second section of an Act passed on Acts of Jan. 1854.  
the 5th day of January, 1854, be and the same are so amended as to read: "First Monday in March, 1870."

SEC. 2. *Be it further enacted*, That the words "rendering its notes in specie," in the fourth section of said Act, be, and the same are hereby so amended as to read: "Some solvent bank."

SEC. 3. *Be it further enacted*, That section 4 of said

Act be, and the same is hereby so amended as to read: "First Monday in June, 1870," in place of "first Monday in April, 1854."

SEC. 4. *Be it further enacted*, That section 5 of said Act be, and the same is hereby so amended as to read: "First Monday in January, 1875," in place of "first Monday in January, 1860;" and that the 7th section, be, and the same is so amended as to read: "First Monday in January, 1875" in place of "first Monday in January, 1860."

SEC. 5. *Be it further enacted*, That section 32 of said Act be, and the same is hereby repealed.

SEC. 6. *Be it further enacted*, That section 35 of said Act be so amended as to read: "Twenty years," in place of "six years," as now provided in said section.

SEC. 7. *Be it further enacted*, That section 3 of an Act of March, passed March 15, 1858, be, and the same is hereby so amended as to read: "Eighteen years," in place of "eight years," as now provided by said Act.

SEC. 8. *Be it further enacted*, That with the exceptions herein made, that said Acts of the General Assembly passed on the 5th of January, 1854; 25th of January, 1856; and section 3 of An Act passed on the 15th of March, 1858, be, and the same are hereby revived and put in full force and effect.

SEC. 9. *Be it further enacted*, That nothing in this Act, nor any Act sought to be amended by this Act, shall be so construed as to grant State aid to said railroad Company; and that the Legislature of Tennessee reserves the right to protect the citizens of the State against all unjust discrimination in freights or passengers.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed February 28, 1870.

## CHAPTER LXXXI.

AN ACT to Incorporate the Tennessee Navigation, Immigration and Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Amos Roberts, of Maine; Benjamin Coursin, of Pennsylvania; David White, of Missouri, William E. Jones, Wm. F. Davidson and Bradley B. Meeker, of Minnesota, and such others as may be associated with them as stockholders, their successors and assigns, be, and the same are hereby constituted a body politic and corporate, for and during the period of ninety-nine (99) years, by the name and style of the "Tennessee Navigation, Immigration and Manufacturing Company," and as such, may have and use a common seal, and may change the same at pleasure; may contract and be contracted with; may sue and be sued; may plead and be impleaded; and do any and all other acts and things in their corporate name and capacity, necessary and proper to carry out the object and intent of this Act. Corporators.

SEC. 2. *Be it further enacted*, That said company, their successors and assigns, are authorized and empowered to do a general passenger and transportation business, to own and operate, to buy and sell, to build and equip steamboats and barges, ships and all other water crafts; and to do a general manufacturing and mining business. Business powers.

SEC. 3. *Be it further enacted*, That for the purpose of making such improvements in the Big South Fork of the Cumberland River, from its sources or tributary waters, to the State line between Tennessee and Kentucky, and thence (with the consent of the Legislature of Kentucky) to the fork or junction with the main Cumberland, as will facilitate and render more easy the floating of river craft, or the drifting or driving of logs, masts, spars, timber, wood and lumber to the different places where the same may be wanted or destined, the said company are authorized and empowered to remove obstructions in said river or tributaries; to build locks and dams, wing dams, piers, booms, gateways, sluices or canals, when any of them may be required for the purposes aforesaid. And the said Big South Fork is hereby declared to be a navigable river; and land and property taken by law in furtherance and aid of said improvements, or any of them, shall be deem- To remove obstructions, etc.  
Made navigable.

ed to be taken for the public use; *provided*, that said company, its successors and assigns, in appropriating private property for the purposes aforesaid, shall proceed in accordance with the laws now in force in the State for taking private property for public use.

Division of  
labor.

SEC. 4. *Be it further enacted*, That, for the purpose of ascertaining the cost of said river improvements, the allotment of said contracts and the division of labor thereon, as well as for its more easy general management, the said river shall be divided by the by-laws of said company, into as many sections as they may deem proper, and convenient.

Injury of  
property, a  
felony.

SEC. 5. *Be it further enacted*, That, if any person shall wilfully injure any dam, pier, boom, gateway, sluice or lock, or other improvement made by said company, so as to render it less fit for the purpose of its construction, or so as to cause expense to said corporation, or shall aid or procure the same to be done, such person or persons shall be deemed guilty of felony, and on conviction thereof in a court of competent jurisdiction, shall be sentenced to confinement in the Penitentiary for a term of not less than six months nor more than three years.

May collect  
tolls.

SEC. 6. *Be it further enacted*, That as a partial compensation for their expenditures, said company or corporation, shall have power to assess and collect reasonable tolls on all boats and water-crafts, as well as on all logs, masts, spars, wood, timber, boards and all other lumber, floated or driven up or down said river, by or over said improvements, or any of them; and to ensure the payment of said tolls, the said corporation shall have a lien on any such boat or water-craft, timber, wood, lumber or boards; and shall further have, own, use or lease any incidental water-power or manufacturing privileges growing out of, or resulting from the public improvements herein authorized; and said company, their successors or assigns, may make similar improvement for like compensation, on any other stream not navigable in fact, nor used by boats or river craft; *provided*, that the vested rights of any other company are not impaired.

Have lein.

Lands reser'd

SEC. 7. *Be it further enacted*, That, to encourage immigration into Tennessee, and the settlement of the vacant and unsettled lands, as well as to reimburse said corporation for making said river improvements, the ungranted or vacant lands, and the lands forfeited or to be forfeited for non-payment of taxes and past redemption, lying in the counties of Campbell, Anderson, Overton, Scott, Morgan, or any other county drained by streams so improved, are



hereby *reserved* from further sale or grant, except to actual settlers and to said company, its successors or assigns, as herein provided—that is to say, to said company, one-half or fifty per cent. of such vacant and unimproved lands in said counties, when said company shall have expended fifty thousand dollars in said improvements on said Big South Fork, in Tennessee, and the residue not sold to immigrants or to actual settlers, as hereinafter required, when the said river improvements are finished to the State line; and it shall be the duty of the Register of the District in which any such lands may be situated, to issue to any such settlers or immigrants as may be induced to improve or settle thereon by said company or its authorized agents, to receive and enter, and do all things now required by law of a land Register to perfect the same, when so requested by said company for a homestead of one hundred and sixty acres; *Provided*, that each emigrant or settler, before such grant shall be made, file his affidavit with said Register, setting forth the facts that he was induced to settle on or improve such lands by said company or its agents, and that it is his intention to occupy and cultivate the same, when granted, as a homestead; *and provided further*, that when said company, its successors or assigns, shall have expended fifty thousand dollars on said river improvements as above required, satisfactory proof of the same shall be made before the proper Land Register, as a condition precedent to the issuance of a grant to said company of lands as above set forth; *Provided further*, that no provision in this section shall be construed to abridge the rights guaranteed by the Constitution of this State to any person to enter and survey any of said lands.

Duties of Register.

Provisos.

Proof.

SEC. 8. *Be it further enacted*, That said company is empowered to purchase, receive, hold, mortgage, lease, convey, or otherwise dispose of any real or personal estate, or any interest in law or equity they may have therein in this State; and the said company may also issue its bonds or certificates, and provide for the security and payment of the same in aid and furtherance of the contemplated river improvements and their general business.

May hold property.

SEC. 9. *Be it further enacted*, That the stock of said company or corporation, shall be two millions five hundred thousand dollars, divided into shares of one hundred dollars each, the calls, payment, mode of collection, and transfer of which shall be regulated by the by-laws of said corporation; and the said Bradley B. Meeker, of Minnesota, is authorized as Commissioner to open books and solicit

Capital stock.

**Subscriptions.** subscriptions of stock in said company; and when said Commissioner shall have obtained subscriptions of said stock to the amount of one hundred thousand dollars or more, he shall notify the subscribers thereof; and hereupon said subscribers may proceed at once to perfect their organization by the election of seven Directors of said company, casting one vote for every share subscribed; said Directors shall all be subscribers of stock, and they, or a majority of them may from time to time, make, ordain, modify or repeal by-laws which they may deem necessary for the regulation and management of said company and its affairs, not inconsistent with the Constitution and laws of Tennessee.

**By-laws, etc.**

**Officers.** SEC. 10. *Be it further enacted,* That said Directors shall choose from their number a President, a Vice-President, a Treasurer, a Secretary, an Attorney at Law, and such other officers as they may deem necessary to govern and manage the affairs and interests of said company; said officers shall be elected biennially, and shall serve for the term of two years and until their successors are elected and qualified.

**Taxes, etc.** SEC. 11. *Be it further enacted,* That any company chartered by the Legislature of this State, that will, within three years from the passage of this Act, engage in the boat or ship building business or any of its branches, within the limits of Tennessee, shall not be liable to any authorities under said State, for taxes on any property, buildings, ship or boat-yard, machinery, tools, or material used in such business or for such purpose; nor shall any boats, barges, steamboats, ships or hulls of ships so built, be subject to taxation by any such authorities, whilst held and unsold by the company building the same.

**Public law.** SEC. 12. *Be it further enacted,* That this Act shall have the force and effect of a public law from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 25, 1870.

## CHAPTER LXXXII.

AN ACT for the Relief of Bartholot Lea and his Securities.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Bartholot Lea, Tax Collector for the county of Fentress, for the years 1860 and 1861, and his securities on his official bond, be, and they are hereby released from all liability on said bond for any failure which may have occurred the said Lea in collecting or paying over the State taxes for three years.

SEC. 2. *Be it further enacted*, That the County Court of Fentress County, a majority of the Justices of said county concurring therein, may release the said B. Lea and his securities from any liability which they may have incurred for failing to collect or pay over the county taxes for the years 1860 and 1861. Co. Courts of  
Fentress.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXXIII.

AN ACT for the Relief of D. T. Chappell, of Maury County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That upon D. T. Chappel, one of the securities of W. C. Allen, Tax Collector of Maury County for the year 1865, paying to the Attorney-general of the Eleventh Judicial District of the State of Tennessee, the sum of seven hundred and fifty dollars, on or before the May Term, 1870, of the Circuit Court for said county, and the further sum of seven hundred and fifty dollars, on or before the May Term, 1871, of said court, Payments to  
be made by  
Chappell.

Attor-Gen'l

or of securing the payment of said sum's by security, satisfactory to the Attorney-general and presiding Judge of said Circuit, if, in their opinion, it shall be the interest of the State then the said Attorney-general is hereby authorized and instructed to enter a satisfaction of the judgment in so far as said Chappell is concerned, taken against the said W. C. Allen and his securities, as such Collector, at the May Term, 1868, of said Court.

Rights of  
Chappell.

SEC. 23. *Be it further enacted*, That nothing in this Act shall be so construed as to interfere with the rights of said Chappell, upon payment of said sums, to have judgment over against his principal for the full amount of debt and interest to date of motion, and against his co-securities for their *pro rata*, with interest to date of motion.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed February 28, 1870.

## CHAPTER LXXXIV.

AN ACT to Amend the Charter of the Carolina Life Insurance Company of Memphis, Tennessee, and for other purposes.

Insurance  
powers and  
privileges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said corporation shall have power and authority to make and enter into all manner of contracts and agreements for the insurance of lives of persons; and may make, execute and issue policies of insurance of every kind and nature whatever, for the insurance of human life; and may do and perform generally every act and thing to the business of life insurance belonging, or in any wise appertaining; and may re-insure said corporation, or cause the same to be re-insured against loss on or by any risk or risks, which shall have been heretofore taken, or which may hereafter be taken, by said company; and may, for the benefit of said corporation, purchase from time to time, any policy or policies of insurance, or other

obligation or obligations, issued or to be issued by said corporation.

SEC. 2. *Be it further enacted*, That the affairs of said corporation shall be managed by a Board of fifteen Directors, and be qualified as provided in section 4 of this Act, and elected in the manner hereinafter prescribed; said Directors shall, within a reasonable time after the annual election in each year, meet at the office of the company, in the City of Memphis, and elect from among their number, a President and Vice-president, whose term of office shall continue until the fourth Monday of June then next following, and until their successors shall be duly elected; and said Board of Directors shall have power to designate and appoint such other officers, agents and servants for said corporation, as may be by them deemed necessary or expedient, for properly conducting, arranging, transacting, or carrying on the business of said corporation; and to regulate and fix the rate of compensation of all officers, agents and servants whatsoever, of said corporation; said Directors shall also have power to determine and declare by by-laws, what number of said Board less than the whole number, not less than eight, shall constitute a quorum for the transaction of business; and shall also have the power to fill any and all vacancies which may occur by death, resignation, or otherwise, in said Board, or in the offices of President or Vice-president, by the appointment of some other person or persons to serve for the residue of the term,

Directors.

Meeting, election, etc.

By-laws, rules, etc.

Vacancies.

SEC. 3. *Be it further enacted*, That, on the fourth Monday in the month of June, of each and every year hereafter, there shall be holden, at the office of the company, in the City of Memphis, between such hours of the day as shall be named or designated by the Board of Directors, an election for Directors to serve for the ensuing year, of which said election, previous notice of not less than ten days, shall be given by public advertisement, in some one or more newspapers printed in the City of Memphis; and it shall be the duty of the Board of Directors, at some meeting of said Board, prior to any such election, to appoint three of their number to act as Inspectors of such election, to supervise and conduct the same, and certify to said Board the result thereof. If, from any cause, such election cannot be holden, or shall not take place on that day, said corporation shall not, for that cause, be dissolved; but the same may be holden on any other subsequent day, which may be designated by said Board, of which, like previous notice shall be given, and the old Directors shall continue to serve until their successors shall be duly elected. Noth-

Annual election.

Inspectors.

ing in this Act shall be so construed as to render any Director ineligible to election to said office of Director.

Eligibility,  
voting, etc.

SEC. 4. *Be it further enacted*, That no person shall be eligible to the office of Director in this company, who is not a *bona fide* holder and owner of at least ten shares of the capital stock of the corporation. At all elections for Directors of this company, each stockholder shall be entitled to cast one vote for each share of the capital stock, of which he or she has been a *bona fide* holder for ninety days at date of election. Persons entitled to vote at any such election, may do so by proxy.

Joint capital  
stock.

SEC. 5. *Be it further enacted*, That for the better and more complete security of all persons concerned in the insurance of any life insured in this corporation, the Board of Directors thereof are authorized and empowered to create or establish a joint capital stock, which shall not exceed in amount the sum of two hundred thousand dollars, and which shall be divided into two thousand shares of one hundred dollars each; that ten dollars per share shall be paid by each subscriber at the time of subscribing such share, and the residue thereof shall be paid in installments of not more than ten dollars on each share at such times as the Board of Directors may designate and appoint for the payment thereof; sixty days' notice of any such call being given by advertisement in some newspaper printed in the city of Memphis; *Provided, however*,

Payments.

that should the intervening losses and liabilities of the company amount in the aggregate, to a sum greater than the amount of the then available means of the corporation, the Board of Directors may require a further and additional amount or sum of the unpaid installments to be paid on sixty days' notice that the same is required. Said notice to be given in manner aforesaid. The payment of all deferred or unpaid installments due from subscribers for stock shall be secured by notes of the subscribers, with good and sufficient securities to be approved by the Board of Directors, and conditioned in effect for the payment of all and every installment at such time as payment thereof may be required by the Board of Directors, or the same may be secured by deed of trust, or by the deposit of collaterals with said company, or in any other manner which may be approved by the Board of Directors. Dividends shall be declared from time to time; *Provided* that no such dividend shall in any manner impair the said capital stock. Dividends may be withheld on any share or shares of stock on which any installment is due and unpaid.

Proviso.

How paym'ts  
secured.

Dividends.

SEC. 6. *Be it further enacted*, That the said company

shall not advance or loan any part of its funds, or pledge, or hypothecation of the capital stock of said corporation; but for any debts, claim or demand whatever, including unpaid installments on stock which may be at any time due and owing to said corporation by or from any member or stockholder therein, either as principal or surety for another, the said corporation shall have the benefit of a lien; and the same is hereby declared a lien on any and all shares of stock belonging to such debtor or stockholder, whether the said shares of stock be paid up in whole or in part; and any such stock on which said corporation may have a lien as aforesaid, may on thirty days' notice be sold at public sale to the highest bidder for cash; and the proceeds and avails of such sale shall be applied, first to the payment of the proper costs and expenses of such sale; next, to the debt, claim, or demand, so due and owing to said company; and the residue, if any, shall be paid over to said stockholder, or his legal representatives. Should the proceeds of such sale, however, not be sufficient in amount to pay the expenses of said sale and the demand due the company, payment of the deficit may be enforced by suit.

Lien.

Proceeds, how applied.

SEC. 7. *Be it further enacted*, That all transfers of shares of stock in this corporation shall be made on the books of the corporation; and in all cases of such transfer, the old certificate shall be surrendered to the company to be cancelled, and a new certificate shall be issued in lieu thereof to the person to whom any such transfer shall or may be made; but no transfer of any share or shares of said capital stock on which said company may have a lien, as provided in the next preceding section, shall be made without the assent of said corporation, until such claim, debt or demand shall be fully paid and satisfied. In any case of a transfer of stock as provided, the Board of Directors may accept a note with satisfactory security from the person to whom said transfer may be made, in lieu of the original note and security, upon which said stock certificate was originally issued.

Transfer of stock.

SEC. 8. *Be it further enacted*, That should the Board of Directors at any time become satisfied that the note or other security of any stockholder is insufficient to secure the prompt payment of every installment due by such stockholder, they may require such stockholder to execute and deliver to the corporation such other, further and additional security, as they may deem proper, at, or within such time as the Board may designate, to be approved as aforesaid, and so on as often as the said security may be

Insufficient security.

Failure to  
give security.

considered, or deemed by said Board insufficient; and should any stockholder fail to give the required, further and additional security within the time so designated by the Board for that purpose, it shall be lawful for said company to sell or cause to be sold, the stock held by such stockholder in the same manner, and upon like notice as is hereinbefore provided in relation to sales made in cases of default being made in the payment of installments due upon stock, the payment of which may have been required by the Board; and the avails and proceeds of any such sale, shall be applied to the payment of the cost and charges of such sale, and the amount due and owing from any such delinquent stockholder, or obligation to the said company; and any surplus that may remain, shall be paid over to such stockholder or obligor, and his note shall thereupon be canceled; but in case the said proceeds and avails shall not be sufficient to pay the expenses attending said sale, and the sum due the company on said stock, then, and in every such case, payment of such deficit may be enforced by suit.

By-laws, etc.

SEC. 9. *Be it further enacted*, That the President and Directors of said corporation, shall have power to establish from time to time, and enforce such by-laws, rules and regulations, for the good government of said corporation as they may deem necessary, the same not being contrary to the Constitution of the United States, or the State of Tennessee; and generally to do and perform, or cause to be done and performed, any act, matter or thing, which the interest of said corporation may, from time to time, require to be done and performed.

May invest  
capital.

SEC. 10. *Be it further enacted*, That the Board of Directors may from time to time, invest the capital stock, accumulated premiums for insurance, and surplus avails and profits of the business of said corporation, in any public or private securities, and may sell, transfer or exchange the same, re-invest the proceeds and avails thereof, in such manner as they may deem conducive to the interest, benefit and advancement of said corporation.

Policy not lia-  
ble for debts.

SEC. 11. *Be it further enacted*, That any policy of insurance issued by this company for the use, benefit or advantage of the wife, widow, children, father or mother of any person, whose life may be insured by said corporation, or to any person to secure a pecuniary indebtedness, when the same appears in the policy, shall not be held or made liable for any debts, contracts or engagements of the person whose life is or may be so insured; and all such insurance, in the event of the death of the person whose



life is or may be so insured, shall be paid to the person or persons beneficially interested therein, to be held by him, her or them, free and discharged of and from all pre-existing debts, contracts and engagements whatsoever, of the person deceased; *Provided*, that when any such policy shall be forfeited, the corporation may at any time, settle with the party who has paid the premiums, paying any amount that may be decided to be equitably due upon the amount of premium paid previous to said forfeiture. Proviso.

SEC. 12. *Be it further enacted*, That the real estate which it shall and may be lawful for said corporation to purchase, have, hold, use and convey, shall be as follows: What kinds of real estate may be held.

1st. Such as shall or may be requisite or necessary for the use of said corporation, in the transaction of its business.

2d. Such as may from time to time, be conveyed to it by way of mortgage or deed of trust, for the purpose of securing to said corporation the payment of any debt or debts, loan or loans, sum or sums of money, which may be due or owing thereto.

3d. Such as may be conveyed to said corporation, absolutely, in payment or satisfaction of any debt or debts, loan or loans, sum or sums of money, which may be due and owing to said company. Same.

4th. Such as may from time to time, be bought by said corporation, at any sale or sales made under any execution, judgment, decree or order of court, mortgage or deed of trust in ——— of, as owned by said corporation.

SEC. 13. *Be it further enacted*, So soon as the same may be practicable, after the 1st day of June, in each and every year, it shall be the duty of the officers of said corporation to cause to be prepared a true and correct general balance statement of the affairs of the corporation for the preceding year, ending on the 31st day of May then last past, which shall contain and show: Balance statement.

1st. The amount of premiums received, and the amount of interest received from loans and investments of every kind, for and during the year.

2d. The amount of the expenses and liabilities of the company for and during the same period.

3d. The amount of losses incurred during the same period.

4th. The balance remaining with said company; the kind and nature of the security by which all bonds are secured; the amount of actual cash on hand; which said statement shall be recorded in a book to be prepared and

Books.

kept for that purpose; which said book shall be at all times (during the usual hours for the transaction of business,) be open and subject to the inspection or examination of any stockholder or policy holder of said corporation, who may desire to inspect or examine the same.

Liability of stock for debt.

SEC. 14. *Be it further enacted*, That the capital stock accumulations from premiums, and all increase and accumulation of funds of the company, from all sources whatever, shall be held liable to and for the payment of all losses, expenses and liabilities incurred by said company, and shall not be withdrawn for division or distribution in any matter whatever, among holders of policies of insurance issued by said company, who may, by the terms and conditions of any such policy, be entitled, participate or share in the profits or savings of said company, so long as there shall or may be outstanding liabilities of said corporation ascertained to be due and unsettled, except in the manner provided in sections 15 and 16 of this Act. The Directors may from time to time, determine the rate of premiums which shall be paid by any applicant for insurance, and regulate the manner, terms and times of payment thereof; and should default be made in the payment of any premium due or to become due, or owing to said company, or any part thereof, at the time at which the same ought to be paid, then and in such case, the policy on which said premiums may be so due and owing shall, by reason of such default, become forfeited, and shall no longer be of any force or effect whatever; and said company shall be fully exonerated and discharged from any and all liability, by reason of or on account of such policy; and all premiums which shall or may have been paid thereon to said company, as well as all unredeemed dividends, which shall or may be due thereon at the time of such default, shall become and be deemed forfeited to said company; *Provided always*, that the Board of Directors may, in their discretion, set aside any such forfeiture by equitable adjustment, or reinstate any such forfeited policy and dividend, on such terms and conditions as to the said Directors may seem reasonable and proper.

Forfeitures.

Statement or exhibit.

SEC. 15. *Be it further enacted*, That the officers of said corporation shall, on the fourth Monday of the month of June in each and every year, or as soon thereafter as may be practicable, make or cause to be made, in writing, a statement or exhibit, showing the condition of the affairs of said company on the 31st of May then last past; and if, as shown by such statement or exhibit, after the payment of all losses, liabilities and expenses of the company,

and after creating a contingent fund—which, together with the capital stock, shall, in the judgment of the Board of Directors, be a sufficient provision for all outstanding risks for the year preceding date of such statement—there shall remain a surplus, each insured member who may be entitled to share in the profits of the company, and whose policy may not have become forfeited, shall be entitled to be credited on the books of said company for such proportional part of any such surplus as the sum of the annual premiums paid by such member shall bear to the aggregate sum or amount of such surplus, as may be so declared to be remaining; but no such dividend shall be actually redeemed or paid off until such time as the assets of the company, inclusive of the capital stock, shall amount to the sum of four hundred thousand dollars. Whenever the sum or the amount of said assets shall be over and above said sum of four hundred thousand dollars, such excess may, from year to year thereafter, be applied towards the redemption of the dividends of each year, in whole or in part, as may be determined by the Board of Directors; *Provided always*, the said assets shall be, in the judgment of the said Directors, exceed in amount the value of the policies then actually in force, in an amount or sum then equal to the sum of the said dividend so to be redeemed or paid off; but no dividend or dividends of any subsequent year shall be redeemed or paid so long as the dividend or dividends of any preceding year shall be unprovided for. The Board of Directors may, in their discretion, declare any such dividend or dividends (the payment whereof may be postponed) entitled to bear interest at a rate not exceeding the rate of six per centum per annum.

Dividends.

Excesses.

Interest.

SEC. 16. *Be it further enacted*, That, in case of the decease of any person whose life may be insured by said corporation, and whose policy shall not have been forfeited at the time of such decease, the amount of insurance to be paid by the company in such case, together with any unredeemed dividend or dividends then standing to the credit of such policy, after deducting such sum as may be due and owing to said corporation on account of premium notes or loans, or other indebtedness of the beneficiary to said corporation, shall be paid to the person or persons who may be entitled to demand and receive the same, under, and by virtue of the terms and conditions of the policy in such case, within ninety days from and after the time at which notice and satisfactory proof of death, shall have been furnished to the Board of Directors, and by them duly approved, according to the provisions of the by-laws of said corporation, relating to such necessary proofs.

Payments of deceased shares, etc.

Non-resident  
decedents.

SEC. 17. *Be it further enacted,* That when any person residing in any other State, whose life is insured in said company, shall die, and the amount of his insurance shall be assets for the payment of his debts, and there shall be no administration of his estate, in this State, his executors or administrators, appointed or qualified in the State of his residence, at the time of his death, shall be entitled to receive from said company, the amount due on such insurance; and if the said insurance shall be for the benefit of, or payable to any person being a minor, and having no guardian in this State, the guardian of such minor appointed and qualified in any other State, shall be authorized to receive the said insurance money from the said company; such executor, administrator or guardian, shall furnish to said company, satisfactory evidence of his appointment and qualification, and the receipt of executor, administrator or guardian, shall be a good acquittance and discharge of said company in the same manner as if such executor, administrator or guardian had been appointed and qualified in this State.

Suits at law.

SEC. 18. *Be it further enacted,* That suits at law may be instituted and prosecuted by said corporation, against any stockholder or member thereof, against said corporation, but no suit on any policy of insurance issued by this corporation shall be commenced or maintained until the end of ninety days next after delivery of due notice and proof of death, to said corporation.

Principal of-  
fice.

SEC. 19. *Be it further enacted,* That the chief or principal office, or place of business of this company, shall be located in the city of Memphis, in this State, but branches and agencies may, from time to time, be established by said company, at any other place or places in this State, or in any other State or Territory of the United States.

Former acts,  
etc., made  
valid.

SEC. 20. *Be it further enacted,* That all contracts, agreements and obligations heretofore made or entered into by said corporation, in conformity with the charter and by-laws thereof, and all powers, rights, properties, interests, choses in action of every kind and nature, whatsoever, and every act and thing heretofore lawfully done and performed, or cause to be done and performed, by said corporation; and all liabilities of said corporation, shall be and remain in all respects, and to all intents and purposes, as valid and of as full force, effect and virtue, as though this Act had not been passed, it being the true purport, intent and meaning of this Act, not to impair, in any respect the validity of anything heretofore done by said company, but to amend the same.

SEC. 21. *Be it further enacted,* That all Acts or parts

of Acts inconsistent with any of the provisions of this Act, be and the same are hereby repealed.

SEC. 22. *Be it further enacted*, That D. R. Lemman, William Farris, D. A. Sheppard, W. H. Foute and their associates and successors be, and they are hereby created, <sup>Mutual Aid, etc., Life Ins. Ass'n.</sup> a body politic and corporate, by the name and style of the "Mutual Aid and Benevolent Life Insurance Association, of Tennessee," and by that name shall have succession, sue and be sued, plead and be impleaded, and generally to do every act and thing necessary to carry out the provisions of this Act, and promote the object and design of this corporation. The Association shall have its domicile in the <sup>Privileges.</sup> city of Memphis; shall have power to establish agencies, or branches, in any part of said State; and shall commence operations, when the number of subscribers shall be one hundred; and shall have a right to make and use a common seal.

SEC. 23. *Be it further enacted*, That the object of this Association shall be to contract for the assurance of life, to issue policies for life insurance, and to do all acts rela- <sup>Objects, priv-  
ileges, etc.</sup> tive to that kind of insurance, in accordance with the terms and provisions hereinafter specified. Should the net earnings of the Association reach \$100,000, the Association shall have the right to insure life upon the plan now in general use, and known among insurance men as the "Endowment plan," the non-forfeited, of five, (5,) ten, (10) and fifteen (15) years. The taxes of the Association shall be that imposed upon other companies.

SEC. 24. *Be it further enacted*, That all administrative powers of this Association shall be vested in ten Directors, of whom five shall constitute a quorum, and such other <sup>How man-  
aged.</sup> officers as they may appoint, and shall be elected as soon as the number of subscribers shall have reached one hundred. In the event of a vacancy in the Board of Directors, occasioned by the decease or resignation of a member or otherwise, before the expiration of the term of his appointment, each vacancy shall be supplied by the election of a fit and proper person, by the remainder of the <sup>Vacancies.</sup> Board. The Board of Directors, shall, at their first meeting, elect a President, a Vice-President, a Secretary and a Treasurer. They shall also elect such other officers as may be necessary from time to time, to carry on the business of the Association. The President shall be a mem- <sup>President and  
Vice-Presi-  
dent, etc.</sup> ber of the Board of Directors, and preside at all meetings of the policy-holders of the Association, and shall conduct the business of the Association generally, under the

supervision of the Board of Directors. The Vice President shall be a member of the Board of Directors, and shall preside at the meetings aforesaid in the absence of the President, and in his absence sign the policies of the Association. The Secretary and Treasurer and such other employes as the President shall direct, shall, before entering upon the discharge of their duties, give bond, with security; approved by the Board of Directors, conditioned for the faithful discharge of their duties.

Admission  
fees.

Benefits.

Separate fund

Assessments.

Failure to pay

SEC. 25. *Be it further enacted*, That each person admitted a member of this Association, shall pay into the treasury, if between the ages of fifteen (15) and twenty-five (25) years inclusive, the sum of ten dollars; between the ages of twenty-six (26) and thirty-five (35) years inclusive, twenty dollars; between the ages of thirty-six (36) and forty-five (45) years inclusive, twenty-five dollars; and between the ages of forty-six (46) and fifty (50) years inclusive, thirty dollars; which sum shall entitle the party who has paid, to a life insurance policy; which shall entitle the policy-holder to a sum equal to one dollar for each enrolled member on the books of the Association, at the date of his or her death; payable to his or her representative or assigns, sixty days after the receipt of a certified evidence of the death of the policy-holder; but in no case shall the amount paid on said policy exceed five thousand dollars. Whenever the number of members shall exceed five thousand, the contribution of all the members exceeding five thousand dollars, shall be set apart as a separate fund; and on the decease of any policy-holder thereafter, and so long as said contribution exceeds five thousand dollars, the excess shall be appropriated *pro rata*, for the purpose of diminishing said contribution or assessment, and said diminution shall be the same for each and every member of the Association. On the notification of the death of any policy-holder, to the officers of the Association, accompanied with a certificate fully setting forth the facts, and endorsed by the attending physician; or jury of inquest, an assessment shall be made upon each policy-holder, for a sum not to exceed one dollar and twenty-five cents; which is payable at the office of the Association, within thirty days after notification. The failure to pay this assessment within the above stated time, on the part of any policy-holder, shall operate a forfeiture of his or her policy, and the name of such delinquent shall be erased from the books of the Association, unless sufficient reasons are given, to be submitted to and determined upon by the Board of Directors, within twenty days thereafter, and

the arrear assessment paid into the treasury. Any policy-holder who has forfeited his policy from neglect to pay the regular assessment on the decease of a member, shall be Debars the member. debarred from all benefits arising from the previous subscriptions, but he shall not be prevented from applying for a new policy by a subscription as a new member. All applications for membership, or to become a policy-holder in this Association, must be made in writing to the Board of Directors, stating the name, age, residence and occupation of the applicant; and any false statement that shall become apparent to the Board of Directors, after the issue of the policy, shall annul said policy. No application Applications for membership. shall be received unless accompanied with a certificate from a respectable physician, or the Association's physician, that the applicant is in good health, and free from pulmonary or other constitutional disease. The Association reserves the right to have any applicant, upon a certificate from any other than the Association's physician, examined by the Association's physician; and in all cases where he makes an examination, he shall be allowed a fee of one dollar, to be paid by the applicant. All transfers of policies shall be made upon the books of the Association.

SEC. 26. *Be it further enacted,* That, upon the death of a member, the Secretary shall immediately notify the Calls for contributions, etc. policy-holders of the fact, and a call for the contribution specified in section 4, by causing said notification to be published for five consecutive days in two newspapers published in Memphis, Tennessee; and such publication shall be due notice to each policy-holder; and a failure to comply within the time and in the manner specified in section 4, he or she shall forfeit his or her policy, and all rights as policy-holders in this association; *Provided* that any policy-holder who shall deposit in the Treasury an amount to cover any specified number of assessments, as assessments paid in advance, and required to be paid on the decease of a member by section 4, and at the same time furnish the Secretary in writing, the number of his residence, and the name of the street in which he resides, if he reside in the city of Memphis; or if the policy-holder reside out of the city, the name of the post-office nearest Notice to policy-holders. his residence. The policy of such policy-holder shall not be declared forfeited until after said amount deposited shall have been exhausted, and until after written notice to that effect shall have been left at the residence of the policy-holder, if residing in Memphis, or sent to his nearest post-office, if residing out of Memphis, and the failure there-

after of said policy-holder to comply with the requirements of section 4 respecting assessments.

lges of  
tion. SEC. 27. *Be it further enacted*, That the President shall appoint, before the term of office of the first Board of Directors, shall expire, three discreet policy holders, who shall be judges of election. They shall cause the policy-holders of the association to be notified by publication on five consecutive days in two newspapers published in Memphis.

ok. SEC. 28. *Be it further enacted*, That the enrollment book of the Association shall be open to access at all times to policy holders.

SEC. 29. *Be it further enacted*, That no one shall be admitted as a member of this association except those between the ages of fifteen (15) and fifty (50) years, inclusive.

ability. SEC. 30. *Be it further enacted*, That no member of this association shall be liable for any of the obligations of this association beyond the sum or sums which may be due the association by such member, by virtue of the requirements specified in section 4.

liquidation. SEC. 31. *Be it further enacted*, That this Act of incorporation may be altered or amended, or the affairs of the association put into liquidation by a vote of the majority of the policy-holders represented at any general meeting of the policy-holders called by the advertisement in the newspapers, in accordance with section 4; *Provided*, that a majority of the policy-holders be not present at the time appointed, another meeting shall be called after a lapse of fifteen days; and the members then present, whatever be their number, shall be empowered to act.

men of Bra- SEC. 32. *Be it further enacted*, That the name of Poplar Grove, a town situated in the County of Gibson, be, and the same is hereby changed to Brazil.

Shelbyville  
Manufacturing  
Co. SEC. 33. *Be it further enacted*, That Thomas H. Coldwell, Thomas Lipscomb, Thomas Whiteside, George Eakin, William Little, their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of the "Shelbyville Manufacturing Company," and shall have succession for ninety-nine years; and by said name may contract and be contracted with; sue and be sued, plead and be impleaded in any court of law or equity; may adopt and use a common seal, changeable at the pleasure of the company; and have and enjoy all the privileges and rights incident to incorporations.



SEC. 34. *Be it further enacted*, That said company may acquire and hold by purchase, lease or rent, any personal or real property necessary, proper or convenient to carry on their business, or any part thereof, at any time or times during the continuance of this charter. Property.

SEC. 35. *Be it further enacted*, That the purpose, business and object of said company, are to procure and prepare all material, implements, machinery and tools necessary, proper or convenient, for the purpose of manufacturing all and every kind of cooper-ware, such as buckets, tubs, and churns, and all and every kind of vessels or ware made by coopers; to manufacture any, in any way, and by any power, all such articles or any of them; to use barter, sell or exchange the same, at their place of business, in Shelbyville, or elsewhere; and said company is hereby fully empowered and authorized to do and perform all such acts and things as may be necessary in, or convenient about, or concerning such business purposes and objects of said company. Business, purposes, etc.

SEC. 36. *Be it further enacted*, That said company may ordain and establish from time to time, alter or amend, such rules and regulations for the government of their affairs, as the company may deem proper, and which shall not contravene this charter and the laws of this State. Rules, etc.

SEC. 37. *Be it further enacted*, That any three of said corporation may open books for subscription of stock in said company, at such times and places as they may choose. When the sum of five thousand dollars has been subscribed, then said company shall proceed to elect and organize a Directory consisting of five, who shall elect out of their number, or from among the stockholders, a President, Secretary and Treasurer, to serve at the next annual meeting of the stockholders and until their successors are qualified and inducted into office; the annual meeting of the stockholders shall take place on the first Thursday in June of each year. After the organization, at which time elections are to take place, the stockholders may empower the Directors to change the rules and regulations, if so desired. The directory may dismiss any officer or agent of said company from such position for malfeasance or nonfeasance in office; they may require bond and security in such sum as they may deem proper for any officer or agent of the company, conditioned for the faithful performance of all duties enjoined on such officer or agent by the laws, rules and regulations of the company. At the annual elections a majority of the votes cast in per- Books, etc.  
Organization.  
Bonds, etc.

Purposes and powers.

fer real estate, or receive the same by gift or donation; and shall be competent to sue and be sued in any court of law or equity; to have and use a common seal, and alter the same at will; to make, change and repeal all by-laws necessary for the government of the association; *Provided*, such laws shall not be repugnant to the Constitution and laws of the State of Tennessee and of the United States, and public policy; as also all other such powers as may be necessary and proper to carry into effect the designs and objects for which this association is formed, and for which this charter is granted.

Salem and Windron Turnp. Co.

SEC. 46. *Be it further enacted*, That Minos Jordan, Joseph Ranson, A. Pitts, H. Windron, John Haly, R. W. Fain and J. B. Kimbrow, be and they are hereby appointed Commissioners, to open books at such times and places as they may deem proper for the subscription of stock, to be used in the construction of a turnpike road from or near the village of Salem, in Rutherford County, to the Eagleville and Triune Turnpike, at the first gate south of Triune, or as near thereat as the amount of stock subscribed may justify.

First meeting.

SEC. 47. *Be it further enacted*, That, so soon as eight thousand dollars have been subscribed, any three of said Commissioners may call a meeting of the stockholders at Salem, by giving twenty days' notice in some newspaper published at Murfreesboro, of said meeting. Said stockholders shall elect seven Directors, one of whom shall be President, who shall hold his office for two years and until his successors shall be elected.

Toll gates.

SEC. 48. *Be it further enacted*, That so soon as five miles of said road are completed, the company may erect one gate at such point as they may see proper, not less than one mile from Salem; and for every additional five miles of road, when completed, an additional gate.

Rights and privileges.

SEC. 49. *Be it further enacted*, That the President and Board of Directors are hereby declared a body politic, to be known as the "Salem and Windron Turnpike Company;" shall be entitled to all rights and privileges of the Salem and Eagleville Turnpike Company.

SEC. 50. *Be it further enacted*, That nothing in this Act shall be so construed as to give said company benefit of State aid.

SEC. 51. *Be it further enacted*, That Robert B. Jones, A. A. D. Rusen, James Wilson, J. J. Walker, B. T. Walker, E. E. Cox, R. A. Wilkes, Caleb Thomas, James

S. Haynes, Benjamin Morgan, Thomas Dogget and W. H. Robertson, or any five of them, be appointed Commissioners to open books and receive subscriptions of stock, for the purpose of building a turnpike road commencing at old Lynnville, in the County of Giles and State of Tennessee, running thence to Lynnville Station, thence to Cornersville, the most practicable route, there intersecting the Lewisburg, Cornersville and Pulaski Turnpike.

SEC. 52. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, or any sum greater or less, necessary to complete said road, to be divided in sums of twenty-five dollars each; and when the sum of five thousand dollars is subscribed, either in cash or in work to be done on said road, a meeting of the stockholders shall be held at such time and place as said Commissioners, or a majority of them may designate, all stockholders having notice of time and place of said meeting; and when assembled, a majority being represented, they shall proceed to elect five Directors, being stockholders, whose duty it shall be to manage the affairs of said company. Said Directors shall elect one of their own body President of the Board; and the President and Directors thus chosen, shall have power to elect a Secretary and Treasurer; they shall have power to pass by-laws for the government of said company; to put said road under contract; and to do all things necessary to complete said road, and keep the same in repair, coming within the legitimate scope of the powers herein granted. All of said Commissioners, or any three of them, shall be competent to locate said road; and said stockholders are hereby created a body politic and corporate, in the name and style of "Lynnville and Cornersville Turnpike Company," and by that name may sue and be sued; plead and be impleaded; have a common seal; and to have succession for ninety-nine years.

Capital stock.

First meeting.

Elections.

Privileges,  
etc.

SEC. 53. *Be it further enacted*, That the charter of the Mississippi River Railroad Company be, and the same is hereby, so amended that the bonds so issued, or hereafter to be issued, by the County Courts of Lauderdale and Dyer Counties, shall not be delivered to said company until said company shall have done twenty thousand dollars' worth of work in the county whose bonds are to be delivered; and when said amount of work is done, then the said court shall deliver to said company twenty thousand dollars' worth of bonds, and so on until the whole amount of bonds so subscribed, shall have been delivered,

Miss. River  
R. R. Co.

County bonds. in sums of twenty thousand dollars, upon the execution of twenty thousand dollars' worth of work, when done by said company in the county whose bonds they receive.

Jos. & John Greer's Mill dam. SEC. 54. *Be it further enacted*, That sections 1 and 2 of Chapter 46 of An Act passed October 26th, 1824, requiring Joseph and John Greer to construct and build a dam on the slope to their mill dam, be, and the same is hereby repealed, and that their successors be, and they are hereby authorized and allowed to remove and dispense with said dam, and raise said mill dam, on Elk River, three feet high.

J. Ghormby & W. B. Tuesemer. SEC. 55. *Be it further enacted*, That An Act passed December 2d, 1839, entitled, "An Act to authorize James Vaughn and James Ghormby to open and keep open a Turnpike Road," be, and the same is hereby, so amended as to strike from said Act the names of James Vaughn and James Ghormby, and insert the names of Wm. Tuesemer and George C. Harris.

Time to complete road. SEC. 56. *Be it further enacted*, That said Wm. B. Tuesemer and George C. Harris, to open said road, shall have two years from the passage of this Act; and they, their heirs and assigns, shall enjoy the interest therein, for five years, under the same restrictions as heretofore granted to James Ghormby and James Vaughn.

SEC. 57. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
Speaker of the House of Representatives  
D. B. THOMAS,  
Speaker of the Senate

Passed February 28, 1870.

## CHAPTER LXXXV.

AN ACT to Allow the Stockholders of Buritt College, to Hold an Election for Trustees at an early day.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 10, of An Act passed

uary, 1848, incorporating Burritt College, in the county of Van Buren, and An Act to amend the same, 'stockholder passed on the 26th, of January, 1850, be so amended, that meeting. stockholders of said College shall, after ten 'days' notice, meet in the town of Spencer, Van Buren County, the first Saturday in January, 1872, and a majority being present, shall proceed to elect twelve Trustees, eight of whom shall be stockholders, who shall hold their office for two years and until their successors are elected and qualified; and every two years thereafter, said stockholders shall meet and elect Trustees for said College as provided for in this Act.

SEC. 2. *Be it further enacted*, That an election of Trustees held by said stockholders at Spencer, on the first Saturday in January, 1870, is hereby confirmed and legalized; *Election confirmed.* and that this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 1, 1870.

## CHAPTER LXXXVI.

AN ACT to Incorporate the Memphis and Vicksburg Packet Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Cubbins, C. W. Gayer, A. J. Wicks, J. C. McManns, J. C. Neely, M. L. Masham, C. B. Church, and their associates and successors, are hereby created a body corporate and politic, by the name of the "Memphis and Vicksburg Packet Company," and by that name shall be known; and for the period of fifty years, have succession, sue and be sued, complain and defend in any court of law or equity; and may make and use a common seal and alter the same at pleasure; may purchase, receive, hold, transfer and convey, such real and personal estate, choses in action and securities, negotiable and otherwise, as may be expedient in and for the management of its business as herein defined; may appoint *Corporators.* *Rights and privileges.*

such officers, agents and servants as said business require; prescribe their duties and fix their compensation and may make by-laws not inconsistent with the laws of the State or of the United States, for the management of its property and the regulation of its affairs.

**To run boats, etc.** SEC. 2. *Be it further enacted,* That this corporation shall have power to run a line of boats on the Mississippi River and its tributaries; and for that purpose may build such steam or other boats, as may be necessary to be employed on said business; and may sell such boats or other property which are no longer needed in said trade; and shall possess power to carry passengers and freights of every kind and description usually carried on steamboats; and to conduct all operations which may be necessary to carry on said business.

**Capital stock.** SEC. 3. *Be it further enacted,* That the capital of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each; and it may be increased to any sum not exceeding five hundred thousand dollars. Whenever the stockholders may, by vote, so direct, the stock shall be deemed personal property, and shall be transferable on the books of the corporation in the manner as the by-laws may prescribe.

**Books for subscriptions.** SEC. 4. *Be it further enacted,* That, at such time and place as a majority of the incorporators named in the first section, shall, in writing, appoint, books shall be opened for subscription to said capital stock, and may be kept open until the stock shall have been subscribed; payment of said capital stock shall be made in such sum and at such time as the Board of Directors of said corporation may require; and said Board shall have power to provide for the forfeiture to the corporation of the stock of those who may fail to make such payment, or to bring suit at the option for the recovery of such amount as may be due and owing by any stockholder, in any tribunal having jurisdiction of the amounts so due and unpaid.

**Board of Directors.** SEC. 5. *Be it further enacted,* That the affairs of the company shall be managed by a Board of not less than five Directors, who shall be stockholders therein. The stockholders may, at any time, by vote, increase the number of Directors to seven; any vacancy occurring in the Board by death, resignation, or otherwise, shall be filled for the remainder of the term, by the Board.

**Election.** SEC. 6. *Be it further enacted,* That, as soon as stock to the amount of one hundred thousand dollars shall have been subscribed, a time and place shall be designated, in writing, by a majority of the incorporators above named

the election of five Directors, of which the stockholders shall be notified; and the persons then elected shall constitute the Directory, until their successors shall be elected.

7. *Be it further enacted*, That, on the first Monday of March of each year, between the hours of ten in the forenoon and three o'clock, in the afternoon at such place as the Board may designate, an election shall be held for Directors, to serve the ensuing year, until their successors shall be duly elected; a written notice shall be given to each stockholder personally through the Post-office, at least ten days before the same. If, from any cause, an election be not had on that day, it may be had on any day which may be appointed by the Board, or by any three stockholders, of which like notice shall be given.

Annual election.

8. *Be it further enacted*, That all elections shall be by ballot; every stockholder shall be entitled to one vote for each share of stock owned and held by him, and may vote in person or by proxy; those persons receiving the highest number of votes, shall be declared elected; in the event of a tie between two persons, both of whom cannot be Directors without making the number greater than that authorized, the remaining members of the Board shall, by resolution, declare who shall serve.

Voting, ties, etc.

9. *Be it further enacted*, That said corporation shall have, possess and enjoy, all rights and privileges incident to corporations, and shall be subject to all such general laws as may now exist or may hereafter be passed, regulating corporations of a similar character.

Privileges and restrictions.

10. *Be it further enacted*, That W. J. Harman, W. H. Bell, O. W. Davis, William Strong, T. M. Harman, J. Simms and J. T. Rhea, their associates and successors, be, and are hereby incorporated for the term of twenty years, under the name and style of the "Nashville and Cairo Packet Company," for the purpose of navigating the Ohio, Cumberland, Ohio or Mississippi rivers, or either of them; they may sue and be sued, and have all the rights and privileges of the Memphis and Vicksburg Packet Company, chartered by this Act.

Nashville and Cairo Packet Co.

The officers of said Nashville and Cairo Packet Company, shall consist of a President, three Directors, Secretary and Treasurer, and such other officers and agents as the Board of President and Directors may establish and determine. The President and Directors shall be elected annually by the stockholders, on the first Saturday in June of each year; the stockholders to be allowed one vote for each share of stock owned, to be cast in person or by proxy; the

Directors, elections, etc.

Failure to  
elect.

officers elected, to hold their offices for one year, and their successors are elected and organized; and the failure to hold any regular election shall not vitiate this Act, but such election may be held at any time before the next regular election day, as may be directed by the Board of President and Directors; vacancies in the Board shall be filled by the remaining members; all subordinate officers and agents shall be filled by the Board.

Capital stock.

Organization.

SEC. 11. *Be it further enacted*, That the capital of the Nashville and Cairo Packet Company shall be one hundred thousand dollars, which may be increased to one hundred thousand dollars each; and the corporators herein or any three of them, may open books at such place as may be directed, for the subscription of the company; and when the amount of forty thousand dollars has been subscribed, an organization may take place herein contemplated; and any steamboat stock of any stockholder, may be taken at a fair valuation much paid up stock in the company, and the stockholder who may have paid up their stock, shall not be personally liable for any of the debts, liabilities, or damages of the company; but the unpaid portion of the stock shall be a lien on the assets of every kind, belonging to the company, and shall be liable.

By-laws, etc.

SEC. 12. *Be it further enacted*, That the said Board of President and Directors shall have power to make all regulations and by-laws not inconsistent with the necessary government of the company, its officers, and business. Their principal office shall be at Nashville.

Tenn. River  
Packet Co.

Purposes and  
powers.

SEC. 13. *Be it further enacted*, That C. C. Spill, M. Todd, J. M. Hinds and E. A. James, their associates and assigns be, and they are hereby incorporated a body corporate and politic, under the name and of the "Tennessee River Packet Company;" for the purpose of establishing a line of steamboats on the Tennessee River, to and from any point on said river; and shall and enjoy all the rights, powers, privileges, franchises, immunities as conferred upon and granted to the Memphis and Vicksburg Packet Company, by this Act, so that they can be applicable to the Tennessee river, and subject to like liabilities and restrictions; but the capital stock of said company shall not be less than twenty thousand dollars, and the company may have 4 Directors.

W. O'N. PERKINS

Speaker of the House of Representatives

D. B. THOMAS,

Speaker of the House

Passed March 1, 1870.



## CHAPTER LXXXVII.

AN ACT to Incorporate the Memphis Ice Manufacturing Company.

SECTION 1. *Be enacted by the General Assembly of the State of Tennessee*, That William H. Trader, Newton S. Otis, Sarah M. Otis and Henry C. Sleever, and such other Corporators. persons as may be associated with them, together with those who may hereafter become stockholders, and their successors and assigns, be and they are hereby constituted a body corporate, by the name of "Memphis Ice Manufacturing Company;" and by this name may sue and be sued, plead and be impleaded, answer and be answered, in all the courts of law and equity, and contract and be contracted with; and shall be capable of purchasing, holding Powers and privileges. and alienating all kinds of property, real, personal or mixed; for carrying on in the counties of Shelby and Davidson, in the State of Tennessee, the manufacturing of ice, by chemical, mechanical or other means; and for the erection of all buildings and making of all machinery therefor; and said corporation shall have power to make and enforce any by-laws not contrary to the Constitution and laws of this State or of the United States, which may be necessary to carry into effect the provisions of this Act, and the purposes thereof.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars; and they Capital stock, may increase the same at their option to any amount not exceeding three hundred thousand dollars, to be divided into shares of one hundred dollars each; and said shares shall be transferable by assignment, agreeable to the by-laws of said company; and the stockholders of said company shall be individually liable to the creditors of said company to the amount of the stock severally held by them for all debts and contracts made by said company, until the amount of capital stock has been paid in. etc.

SEC. 3. *Be it further enacted*, That there shall be a Board of three Directors elected from the shareholders, Directors to be elected. each of whom shall hold in his own right, not less than five shares of the capital stock of said company; and when the amount of said capital stock shall be increased in accordance with this charter, the number of Directors may be increased to any number not exceeding nine. The said Board of Directors shall elect one of their own

Powers of  
Board.

number President, who, with the said Board of Directors, shall manage the affairs of said company under such by-laws as may be adopted by said Board. That the said President and Board of Directors shall have full power and authority on behalf of the company, to transact all business that may appertain to said company; also to employ agents and to grant powers of attorney for the transaction of their business in the State and out of it; *Provided*, all powers of attorney are countersigned by the Secretary of said company.

How stock to  
be paid.

SEC. 4. *Be it further enacted*, That ten per cent. of the stock shall be paid upon subscribing; and the balance to be paid in installments of ten per cent., to be paid as called for by the President and Directors; *Provided*, that such installments shall not be called for less than thirty days apart. And as soon as twenty-five thousand dollars of the capital stock shall have been subscribed, and ten per cent. of same paid in, the said company may commence business.

Personal  
property, etc.

SEC. 5. *Be it further enacted*, That the President and Directors may receive bonds, buildings or other real or personal property, as capital stock in said company; *Provided*, that five dollars be paid in advance upon each and every share so taken; and the said company be and they are hereby empowered to adopt and use a corporate seal.

SEC. 6. *Be it further enacted*, That the charter hereby granted, shall be and remain in force for twenty-five years.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed March 2, 1870.

## CHAPTER LXXXVIII.

AN ACT for the Relief of F. E. B. Shannon, Guardian, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the amount of seventeen hun-

dred and nineteen dollars and thirty-seven cents (\$1,719.-37,) due February 1, 1870, from F. E. P. Shannon, <sup>Released</sup> guardian, for W. W. Hutchinson, lunatic, be and the same is hereby released to the said F. E. P. Shannon, guardian, etc.; and that the said W. W. Hutchinson, lunatic, be confined and maintained from and after this date, at the expense of the State under the same laws as regulates the admittance and maintenance of pauper lunatics.

SEC. 2. *Be it further enacted*, That the amount of <sup>Credited to</sup> \$1,719.37, be and the same is hereby credited to the Lunatic Asylum. <sup>Asylum.</sup> account of the State Treasurer; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER LXXXIX.

AN ACT to Incorporate the Empire Manufacturing Company of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. D. Baugh, G. H. Beeker, J. H. Wheelock, Joseph Nevile, T. W. Clair Smith, L. J. Dupre, and others who may become associated with <sup>Corporators.</sup> them, may organize a company for the purpose of manufacturing, importing, buying and selling roofing paints, <sup>Purposes.</sup> paving materials, fertilizers, chemicals, cement; and for the purpose of importing guano, limes and other articles of like character.

SEC. 2. *Be it further enacted*, That the capital stock of the corporation hereby created shall not exceed two hundred thousand dollars, to subscribed in shares of one <sup>Capital Stock.</sup> hundred dollars each; such shares held by any subscriber entitling him to one vote in the election of President, Secretary, and other needful officers and employes of the company.

SEC. 3. *Be it further enacted*, That the said corpora-

May open  
books for sub-  
scriptions.

tors above named, or any four of them, may open books for subscription to the capital stock of the body corporate, created by this Act; and it shall be known, sue and be sued, as the "Empire Manufacturing Company," which shall run for the term of thirty three years.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XC.

AN ACT to Incorporate Centerville Female Academy, in Hickman County.

Purposes and  
powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That H. Williams, O. A. Nixon, W. M. Johnson, H. Claggett and Leonodas Walker, and their successors, be and they are hereby created a body corporate and politic, by the name and style of the "Centerville Female Academy," for the purpose of advancing female education; who, in the name aforesaid, shall be capable of purchasing, receiving and holding, any property real or personal, which may be given, granted, sold, conveyed or devised to them for the use of said Academy, and of using, enjoying and disposing of the same for the benefit of the said Academy; and by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity.

Officers, va-  
cancies, etc.

SEC. 2. *Be it further enacted,* That the Trustees may elect a President, Secretary and Treasurer, out of their number, who shall hold their offices for such time as the Board may prescribe; they shall have full power to fill vacancies created by death, resignation or removal; no citizen shall be eligible to the office of Trustee unless he is, in the opinion of the Board of Trustees, capable and of good moral character; and they shall have power to declare the office of Trustee in said Board vacant; and they may expel one of their number for conduct inbecoming a Trustee, in such manner as they may prescribe in their by-laws.

SEC. 3. *Be it further enacted*, That the Board of Trustees may make all useful rules and regulations as well as <sup>By-laws.</sup> by-laws, for the government of said school not inconsistent with the Constitution of the United States, or the Constitution and laws of the State of Tennessee.

SEC. 4. *Be it further enacted*, That the Faculty and Board of Trustees shall have power and authority to confer upon any student in said Academy, or upon any other person, such literary degrees as are, or may be known <sup>Literary degrees.</sup> and used in any institution for the education of females in the United States.

SEC. 5. *Be it further enacted*, That all property belonging to said Academy, so long as it is used for the purposes of female education, be, and the same is hereby exempt from taxation. <sup>Taxes.</sup>

SEC. 6. *Be it further enacted*, That said incorporation shall have an existence for fifty years.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCI.

AN ACT Authorizing the County Court of Greene County to issue Bonds of the County in Aid of the Greeneville and Warm Springs Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Greene County is hereby authorized and empowered to issue County bonds of the said county, to the amount of fifty <sup>Amounts.</sup> thousand dollars, bearing lawful interest, with coupons attached, payable annually, to the President and Directors of the Greeneville and Warm Springs Turnpike Company, in aid of the construction of the said turnpike.

SEC. 2. *Be it further enacted*, That said bonds shall each be for the sum of fifty dollars, payable twenty years from the date of issuance.

**SEC. 3.** *Be it further enacted,* That said bonds shall be issued by the Chairman and Clerk of said County Court, under the direction and control of the said County Court, to the President and Directors of the said turnpike company; and that the said county shall have a lien on the said turnpike road and the tolls of said road, to the amount of the county bonds issued to the company, to secure the payment of the said bonds at maturity, and the annual interest thereof; and that the said County Court is hereby authorized to levy a tax to meet the annual interest on said bonds, whenever it may be necessary to do so.

**SEC. 4.** *Be it further enacted,* That the said turnpike company is hereby authorized and empowered to extend and continue the said turnpike road from Greeneville to the Hawkins County line, in the direction of Couche's Gap.

**SEC. 5.** *Be it further enacted,* That the County Court shall recommend said subscription to the qualified voters of the county for their approval. If they shall so determine, public notice shall be given for not less than thirty days before the time fixed for the election, that an election shall be held to test the sense of the qualified voters of said county on the question of making the subscription contemplated.

**SEC. 6.** *Be it further enacted,* That the election shall be held in all the civil districts in the county, in the usual lawful manner of holding elections. The voters opposed to the subscription shall place upon their tickets the words, "No Subscription;" and those in favor of subscription shall place upon their tickets the word, "Subscription;" and if a majority of all the votes cast shall be for subscription, then the County Court shall have power to make the subscription, but not otherwise; *Provided,* the Commissioners shall be authorized to apply said subscription to the Greeneville and Paint Rock Turnpike or Railroad or Tram Road, to be operated by steam or horse power, as the stockholders may determine.

**SEC. 7.** *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCII.

**AN ACT** Granting to the New York and East Tennessee Iron Company the Right to use the Waters of Paint Creek, and for other purposes.

**SECTION. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the New York and East Tennessee Iron Company be authorized to use the waters of Paint Creek for manufacturing and other purposes.

**SEC. 2.** *Be it further enacted,* That said New York and East Tennessee Iron Company be empowered to take from the waters of Paint Creek, at or near the junction of the old Allen road and Paint Creek, near the site of the old Allen Forge, so much of the waters of Paint Creek as they may require, and conduct the same to the waters of Cove Creek, and use the said waters for manufacturing and other purposes. What point.

**SEC. 3.** *Be it further enacted,* That the County Court of Greene County be empowered to appoint three Commissioners to assess any damages that may arise therefrom. County Court.

**SEC. 4.** *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCIII.

**AN ACT** to Amend the Charter of the Union and Planters' Bank of Memphis, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the Union and Planters' Bank of Memphis be so amended as to authorize each stockholder to vote in all elections in person or by proxy, upon the basis of one vote for each share owned by the respective stockholders. Voting.

Rose Hill  
Cemetery.

SEC. 2. *Be it further enacted*, That William Stigall, Jacob Vance, A. J. Town, W. H. Moore, B. S. Woodward, James F. Goodrich, James B. Lamb and J. W. Newman, together with such other persons as are now or may hereafter become proprietors of lots in Rose Hill Cemetery, in the County of Lincoln, and who shall, in writing, signify their assent to this Act, their successors and assigns, be, and they are hereby created a corporation, by the name and style of the "Proprietors of Rose Hill Cemetery."

Rights and  
privileges.

SEC. 3. *Be it further enacted*, That said incorporation have all the rights, privileges and immunities, and be governed by all the restrictions contained in An Act passed February 9, 1850, entitled "An Act to incorporate the proprietors of Grey Cemetery, in Knox County," except that where the words, "Knox" and "Knoxville," occur in said Act, the words, "Lincoln" and "Fayetteville," be respectively inserted.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCIV.

AN ACT to Incorporate the Chickasaw Boat Club, of Memphis.

Corporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That F. Ames Tyler, Jr., J. B. Emery, Fred. G. Guthers, A. J. Murry and others, be, and are hereby constituted a body politic and corporate, under the name and style of "Chickasaw Boat Club of Memphis;" a society of young men for the purpose of physical and mental development and improvement in rowing, and also for the care of its members in case of sickness; and such other acts as may be necessary for ameliorating and improving their condition.

SEC. 2. *Be it further enacted*, That, under the title



of Chickasaw Boat Club of Memphis, they shall have power to sue and be sued, plead and be impleaded, answer and be answered in all manner of suits and actions, and generally to do and perform all other acts and things which bodies corporate may lawfully do. Rights and  
privileges.

SEC. 3. *Be it further enacted*, That the corporation above created shall have the power to receive by gift, donation or purchase, to hold real, personal or mixed property, for the purpose of building society rooms, boat houses, library and row-boats, and to sell, exchange, mortgage, or otherwise dispose of the same, as in their judgment may best subserve the interests of said society, and perform all other acts as natural persons. Powers.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS.

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCV.

AN ACT to Incorporate the Memphis Gruetli Society.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry Wilberger, John Gengle, S. Shubler, John Bertchi and Reinhard Geisel, who have united themselves into an association for the purpose of mutual assistance in case of sickness, the burial of its members in case of death, and to promote among citizens of Swiss extract, social intercourse, the cultivation of music, literary exercises and intellectual improvement generally; the foundation and maintenance of a library, and other kindred purposes, and their associates, are hereby created a body politic and corporate, located in the City of Memphis, and known by the name of the "Memphis Gruetli Society." Corporators.  
Purposes.

SEC. 2. *Be it further enacted*, That said corporation; shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded with, to answer and be answered unto, to defend and be defended in all Powers and  
privileges.

courts of law and equity in this State; and shall have succession for fifty years, and be vested with all the powers and privileges necessary to carry out and fulfill the objects of this corporation, and all the powers of corporations generally.

Property, purposes, etc.

SEC. 3. *Be it further enacted*, That said association shall keep a common seal; and shall have power and authority to acquire, purchase, receive, possess, be seized of and enjoy and convey, property, real and personal, not exceeding in value twenty thousand dollars, not to be used for any other purpose whatever; nor shall the capital of said association be used for any purpose except to further the objects of the association and the defraying of its necessary expenses.

Officers, Relief Committee, etc.

SEC. 5. *Be it further enacted*, That the officers of said society shall consist of a President, Vice-President, Secretary, Treasurer and a Relief Committee, all of whom, except said Relief Committee, shall be elected annually, and shall hold their offices respectively for the period of one year and until their successors are duly elected and qualified; such Relief Committee shall consist of two members, and shall be appointed by the President quarterly; the society may also elect such other officers as they may deem necessary to conduct and manage its affairs; it shall have the power to prescribe the duties of all its officers and may require bond and security for the faithful performance thereof in such penal sums and with such sureties as they may see fit.

By-laws, etc.

SEC. 5. *Be it further enacted*, That said corporation shall have further power to establish for its government a constitution and by-laws not inconsistent with the Constitution of the State of Tennessee or the United States, and make such rules and regulations as may be deemed necessary to carry into effect the objects of their association.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS.

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCVI.

AN ACT to Establish the Commercial Bank of Knoxville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the St. of Tennessee*, That Hugh L. McClung, Rufus M. McClung, John Williams, and R. R. Swepson, their associates, successors and assigns, be, and they are hereby created a body corporate and politic, under the name and style of the "Commercial Bank of Knoxville;" shall be subject to all the restrictions and penalties, and entitled to all the benefits and privileges by the charter creating the Knoxville Bank, passed May 25, 1866. Privileges and liabilities

SEC. 2. *Be it further enacted*, That Stokley D. Mitchell, William Morrow, Samuel B. Luttrell, John J. Craig, their successors, associates and assigns, be, and they are hereby created a body corporate and politic, under the name and style of the "City Bank of Knoxville," and as such shall have all the powers and privileges conferred by the charter creating the Knoxville Bank, and shall be subject to all the restrictions, liabilities and penalties imposed by the same. City Bank of Knoxville.

SEC. 3. *Be it further enacted*, That the individual property of the separate stockholders shall be responsible for all the debts, liabilities and deposits of said Banks, and the Legislature reserves the power to alter, repeal or amend, at any time it may see proper so to do. Liability.

SEC. 4. *Be it further enacted*, That Joshua Elder, R. P. Bowling, James Crusman, L. Black, W. A. Quarles, and R. Y. Johnson, be created a body corporate and politic, in the name and style of the "Bank of Cumberland," to be located at Clarksville, with all the rights, privileges and franchises of the Bank of Gallatin, and subject to all the restrictions imposed on the same. Bank of Cumberland.

SEC. 5. *Be it further enacted*, That John Woodrell, William Moore, John S. Hart, Wilie Woodrell, C. M. Warfield, Boyd M. Cheatham, G. B. Mason, and their associates and successors, be, and are hereby incorporated a body politic and corporate, to be known as the "Bank of Springfield," with all of the powers and subject to the Bank of Springfield.

same restrictions as the Bank of Gallatin; and that this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER XCVII.

AN ACT to Incorporate the Societa de-Unione e Fratellenza Italiana de Memphis.

Corporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Lazas Podesta, John Augustine, Signaigo Paridis, Purotte Francesco, Antonio de Luca, Vincenzo Bacigalupo, Francesco Cazasso, John Augustine Sigiraigo, Vice-Consul of the Kingdom of Italy and their associates and successors, be, and they are created a body politic and corporate, by the name and style of the "Societa de-Unione e Fratellenza Italiana de Memphis," for the purpose of charity, benevolence and the mutual aiding and assisting of its members and their families when in sickness or distress, as are usually resorted to by all benevolent associations; with power and authority to adopt such Constitution and by-laws as they may think proper for its government; *Provided*, the same do not conflict with the Constitution of the State or the United States.

Purposes and powers.

Rights and privileges.

SEC. 3. *Be it further enacted*, That the incorporators and their successors, may use a common seal; may sue and be sued, plead and be impleaded in any of the courts having jurisdiction; make contracts, buy, hold and sell property, real and personal; and may exercise all the powers and privileges belonging to corporate bodies, for the purpose of carrying out the objects of this corporation; and that this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CIII.

AN ACT to Incorporate the Clarksville Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas N. Peters, B. O. Kesee, Washington McCrue, D. N. Kennedy, J. E. Bailey, John F. House, J. G. Hornbenger, their associates and successors are created a body politic and corporate by the name of the "Clarksville Manufacturing Company;" and by that name may sue and be sued; contract and be contracted with, and have succession for ninety-nine years. Corporators, etc.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not be less than thirty thousand dollars; but may be increased to one hundred and fifty thousand dollars, or any less sum at the option of the persons aboved named, until the complete organization of the company, and after that time, by vote of a majority of the stockholders; the stock shall be divided into shares of one hundred dollars each; and every stockholder shall be entitled to one vote for each share of stock held by him. Capital stock, voting, etc.

SEC. 3. *Be it further enacted*, That the before-named persons, or any two of them, may at any time, open books for subscription of stock to said company; and when the sum of thirty thousand dollars shall have been subscribed, shall call a meeting of the stockholders to elect a President, Directors, and such other officers as the stockholders may determine to be necessary, and the number of these officers may be changed by the stockholders in general meeting from time to time, as they may think proper. Books, organization, etc.

SEC. 4. *Be it further enacted*, That the said corporation shall have power to purchase or lease real estate; to erect houses, machinery and other improvements to manufacture cotton and wollen goods, or either; and shall have all the rights, powers and privileges conferred on the Tennessee Manufacturing Company, by An Act passed by the Legislature of Tennessee on the 19th day of February, 1869. Powers and privileges.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870

## CHAPTER CIV.

AN ACT to Amend the charter of the "Southern Life Insurance Company of Memphis."

May consoli-  
date.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Southern Life Insurance Company of Memphis, Tennessee, be, and the same is hereby so amended as to permit the said company to consolidate with any company of like privileges doing a life insurance business exclusively, in any other State, upon such terms as may be agreed upon by the contracting parties. This Act shall only apply to business in other States than this State, and for the purpose of enabling the Southern Life Insurance Company to extend its business to other States.

Time allowed  
Phoenix Ins.  
Company.

SEC. 2. *Be it further enacted*, That the further time of two years be allowed the Phoenix Insurance Company, within which to open books for subscription of stock, and otherwise perfect its organization, in addition to that granted by the Act of the General Assembly, passed May 24th, 1866, being section 29, chapter 119, of the laws of Tennessee, for 1865-6; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CV.

AN ACT to Incorporate the Southern Oil Works of Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Benjamin Fenton, F. S. Davis, J. J. Murphy, David Parkinson, W. S. Southworth,

W. R. Chandler, H. B. Joyner, and their associates, successors and assigns, be, and they are hereby declared a body corporate, by the name of the "Southern Oil Works," for the purpose of manufacturing cotton seed oil, linseed oil, and oil soaps; and in their corporate name may sue and be sued, have and use a private seal and brand, or trade mark; purchase, hold, and improve real estate for their own use and purposes; sell, convey and transfer the same. Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, consisting of two thousand shares of fifty dollars each, with the privilege of increasing it to two hundred thousand dollars.

SEC. 3. *Be it further enacted*, That the company shall have existence for fifty years.

SEC. 4. *Be it further enacted*, That whenever said company shall have invested the sum of twenty-five thousand dollars in cash, real estate, lease-hold, machinery, or other material for manufacturing purposes, they may organize Organization. for the transaction of business, by electing a President, Board of Directors, and such other officers as they may deem necessary; each share of stock shall be entitled to one vote. The said Board of Directors shall consist of five persons, stockholders of the company; and no liabilities Liabilities. shall attach to the stockholders for a greater amount than the stock subscribed by each. The election of Directors shall be held once a year, of which due notice shall be given; but if postponed beyond that time for good cause, the company shall not on that account, be dissolved.

SEC. 5. *Be it further enacted*, That the Directors of said company, shall at any time they deem it expedient, issue Stocks. the amount of increased stocks, for the purpose of extending their business; and the proceeds of stock so sold, shall be paid into the Treasury of said company. The stock shall be transferable only upon the books of the company, and upon surrender of the certificate; and no transfer shall be deemed valid and complete so long as the person transferring the same, shall be indebted to said company, or until the amount which he, she or they may be indebted to said company is secured to the satisfaction of the Directors thereof; and the stock of every stockholder so indebted, shall be held as collateral security for the payment of whatever sum he, she or they may be indebted to said company; and every subscriber to the capital stock, who shall neglect to pay any installments authorized by the Transfers. Directors of said company within thirty days after an in- Forfeiture.

stallment has been called for and published in one or more of the daily papers of the city of Memphis, he, she or they shall forfeit the same, together with all payments made thereon, to said company.

Dividends.

SEC. 6. *Be it further enacted*, That the dividends of the profits of said company shall be declared semi-annually by the President and Directors, to the stockholders; but no stockholder indebted to the company, shall receive a dividend until such indebtedness be paid to the satisfaction of the Directors.

Cumb. & Ohio  
Railroad Co.

SEC. 7. *Be it further enacted*, That section 27 of An Act passed January 10, 1870, entitled "An Act to incorporate the North Knoxville Market-house Company, and for other purposes," be so amended as to allow the Cumberland and Ohio Railroad Company the further privilege of connecting or consolidating with the Cincinnati and Nashville Railroad at the State line between Kentucky and Tennessee, running thence in the vicinity of LaFayette and Hartsville, to Lebanon Tennessee; *Provided*, that this Act shall not repeal any part of the Act of which this section is amendatory; and this Act to take effect from its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed March 2, 1870.

## CHAPTER CVI.

AN ACT to Incorporate the Citizens' Passenger Railway Company, of the City of Memphis.

Corporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Gunn, J. B. Griffin, Enoch Taylor, J. T. Swayne, Robert Hutchinson, George Gillham and their associates and successors be, and they are hereby constituted a body politic and corporate, under the name and style of "The Citizens' Passenger Railway Company of the City of Memphis," and by that name



shall have succession for thirty years; may sue and be sued, plead and be impleaded; may have and use a common seal; may purchase and hold such real and personal estate as in the opinion of the Directors thereof, may be necessary for carrying on the business of the said corporation, and the same to sell and dispose of at pleasure; and may make all needful by-laws for their government, not inconsistent with the laws of the State of Tennessee, or of the United States.

SEC. 2. *Be it further enacted*, That the capital stock of the said corporation, shall be one hundred and fifty thousand dollars, with the right and privilege on the part of the said corporation, to make it five hundred thousand dollars; which shall be divided into shares of fifty dollars each; and the same may be subscribed and made subject to such calls and terms of payment as said Directors hereinafter provided for shall designate.

SEC. 3. *Be it further enacted*, That the persons above named shall, within one month after the passage of this Act, meet and elect five of their number by ballot, to act as Directors of the said corporation, and thereupon the said Directors shall choose one of their number to act as President; and may elect such other officers as they may deem necessary and fix the salaries of the same; said officers to remain in office for one year and until their successors shall be elected; and at the end of one year after the election of the said Directors, and annually thereafter, after thirty days' notice, to be given by the President or Secretary, in a newspaper published in the city of Memphis, of the time and place of such election, the stockholders shall meet and elect five Directors for the ensuing year, each stockholder to have one vote for each share of stock held by him or her; and said Directors shall thereupon proceed to organize as above provided for the organization of the said first Board of Directors, and so on annually during the existence of this charter. The votes of the said stockholders shall be in person or by proxy; and three of the said Directors shall constitute a quorum for the transaction of business.

SEC. 4. *Be it further enacted*, That the said corporation, by its directors and officers, shall have power to make and execute contracts and agreements with the City Council of Memphis, for constructing, maintaining and operating such street railways in the said city upon any of the streets thereof, upon which such railways are not now constructed—such railways to be operated by manual power; and may construct, maintain, use and operate as aforesaid, such

Rights and  
privileges.

Capital stock.

Election of  
Directors.

Organization.

Powers and  
privileges.

street railways, on all or any of the said streets, using for that purpose all necessary machinery and equipments.

Construction,  
rules, etc.

License, fare,  
etc.

SEC. 5. *Be it further enacted*, That the said railroad shall be constructed on the most approved plan for the construction of city railroads, and shall be run as often as the convenience of passengers may require; and shall be subject to such reasonable rules and regulations in respect thereto as the Common Council of the City of Memphis may, from time to time, by ordinance, prescribe; and to the payment of such license annually to the city as they may, by ordinance, prescribe; and the said corporation is hereby authorized to charge not to exceed ten cents for the conveyance of passengers for the whole or any part of the route, from its depots to the terminus of its routes.

May use other  
tracks, etc.

SEC. 6. *Be it further enacted*, That said company is hereby authorized to connect with and run their cars on and over any track of other railroad companies in the city of Memphis, by the payment of a reasonable amount for said privilege, and collect fare from each passenger in an amount not to exceed ten cents, as provided in section 5 of this Act; *Provided*, that no connection shall be made with other street railroad companies without the consent of said companies.

East and West  
Paris R. R.  
Company.

Capital stock,  
etc.

SEC. 7. *Be it further enacted*, That B. C. Brown, John W. Nance, Samuel C. Dobbins, Samuel Caldwell, their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name and style of the "East and West Paris Railroad Company," and by that name shall have succession for fifty years; to construct, equip and operate a street railroad from the depot on the Memphis and Ohio Railroad, in West Paris to the Public Square, or to any other desired point in said town. The said railway to be operated by horse or mechanical power. The capital stock of said company shall be seven thousand dollars, with the privilege, on the part of said corporation, to increase the same to twenty-five thousand dollars; and the said corporation is hereby authorized to charge a price not to exceed twenty-five cents for each passenger conveyed from said Memphis and Ohio Depot in West Paris, to the terminus of said railway; and may carry freight at such rates as may be fixed by said corporation; and shall otherwise have all the rights and privileges of the Citizens Passenger Railway Company of the city of Memphis, so far as they may be applicable to the East and West Paris Railway Company.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CVII.

AN ACT to Restore the Eastern Division Fair, near Knoxville, Tennessee.

WHEREAS, Owing to the devastation of the late war, and to non-user, the grounds formerly used for the Fair of the Eastern Division, situated near Knoxville, have become entirely vacant, and allowed to run to waste, thereby being unfit for the purpose intended when purchased; to remedy which evil, Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Williams, James S. Boyd, John Woods, Geo. W. Mabry, C. W. Charlton, David Richardson, and W. A. Henderson, be, and they are hereby appointed Commissioners of the Fair for the Eastern Division of the State of Tennessee, whose duties are declared to be as follows: To take charge of all the property heretofore held and used for Fair purposes, in or near Knoxville, Tennessee, real or personal, and use and apply the same according to the design of its original acquisition; to provide for and hold any agricultural show on said grounds, near Knoxville, on the first Monday in October in each and every year, making all necessary preparations therefor, by defining and arranging the said grounds, and erecting all necessary buildings therefor; to award and pay premiums to citizens of this State in money, medals or other devices, under the rules and by-laws to be established by them for that purpose, upon and for such exhibitions as are now provided for in the Agricultural Department of the general law.

Preamble.

Corporators.

Duties and powers, etc.

Premiums

Privileges  
and liabilities.

SEC. 2. *Be it further enacted*, That, the said Commissioners be, and they are hereby vested with all the rights and privileges; onerated with all the duties and be subjected to all the liabilities as now appertain and attach to the position of Fair Commissioners by the general law; *Provided*, that no appropriation shall be drawn from the State Treasury in aid of or behalf of said Division Fair, as now.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CVIII.

AN ACT to Incorporate the Athens Female Institute.

Preamble.

WHEREAS, The Reverend T. Sullins and his wife, Mary W. Sullins, have purchased the commodious property formerly owned by the Branch Bank of the State of Tennessee, at Athens, and are now conducting in it a female school of high grade; and, WHEREAS, the security of society, the supremacy of the laws and preservation of our civil and religious liberties, as well as the perpetuation of all our institutions, are materially dependent upon the intelligence and virtue of the people; and, WHEREAS, It is greatly to the interest of the State to encourage the rounding of schools and Colleges for the proper training of the young; Therefore,

Board of  
Managers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That C. Long, David Cleage, A. H. Keith, R. M. Hickey, W. W. Neal, J. F. Slover, Wm. M. Alexander, John Atlie, R. M. Fisher, C. L. King G. W. Horton, A. C. Robeson and J. M. Henderson, and their successors in office, be, and they are hereby constituted a Board of Managers, to assisst the proprietors in taking

care of the above-named property, and in advancing the interests of the school; and at the times and in the manner they may think best, report to the public the condition of the property and character of the boarding-house and school.

SEC. 2. *Be it further enacted*, That if any member or members of this Board, from death, removal or from any other cause, shall fail to act, the proprietors of the property shall nominate, and the remaining members of the Board shall elect others to fill their places. Vacancies,  
etc.

SEC. 3. *Be it further enacted*, That this school bear the name and style of the "Athens Female Seminary;" and that the property above named, and any other property now owned or that may hereafter be acquired by the proprietors, shall be free from taxation so long as used exclusively for school purposes. Name, taxes,  
etc.

SEC. 4. *Be it further enacted*, That the Principal or President of the Athens Female Seminary shall have power, by and with the consent of the said Board of Managers, to confer on any student or other person or persons, any degree of literary or scientific distinction, or grant diplomas, etc., in as full and complete a manner as any other Institutions in the State of Tennessee. Principal.  
  
Diplomas.

SEC. 5. *Be it further enacted*, That said corporation shall exist for twenty-five years; and that this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CIX.

AN ACT to Incorporate the Cookville Steam Saw and Grist Mill Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. H. Moore, Washington Terry, E. D. Staley, J. D. Reagan and J. W. Crutcher, and their Directors.

**Purposes.** associates, be, and they are hereby constituted a body politic and corporate, to be known as the "Directors of the Cookville Steam Saw and Grist Mill," for the purpose of erecting a steam saw and grist mill, within two miles of Cookville, Tennessee, for the purpose of sawing plank and lumber, and manufacturing flour and grinding grain; and said company is empowered to make and use a common seal, and the same to change at pleasure; and to make such by-laws, not inconsistent with the laws of this State or of the United States, as are necessary or useful; to sue and be sued, plead and be impleaded; to have succession for the term of thirty years; to hold, by purchase or otherwise, and to dispose of the same, any real or personal property which may be convenient or necessary for carrying on its operations, or of which it may become possessed in any payment of debts due to it, in part or in whole.

**Powers and privileges.** *SEC. 2. Be it further enacted,* That the capital stock of said company shall be divided into shares of twenty-five dollars each; shall not consist of less than two hundred shares; shall not be transferred only on the books of the company, and then only with the consent of the Board of Directors, unless the whole amount of installments due thereon shall have been paid in previously. The company shall have power to declare forfeited to it any stock which may remain unpaid, in whole or in part; or it may, at its option, sue for and recover the unpaid amount, before any tribunal having jurisdiction of such sums—first, however, giving thirty days' notice of such call having been made.

**Capital stock.** *SEC. 3. Be it further enacted,* That James Staley, E. H. Stone and Jonathan Buck, Sr., are hereby appointed Commissioners to open books of subscription to the capital stock of said company; and when the number of two hundred shares shall have been subscribed for, the said company, after due notice, shall proceed to elect five Directors, each stockholder to be entitled to one vote for each share subscribed by him. Said Directors, with a President to be elected from their own body, shall manage the affairs of said company or corporation, and may hold their office for the term of one year, and until their successors shall be elected.

**Forfeitures.** *SEC. 4. Be it further enacted,* That this Act take shall effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS, .

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CX.

AN ACT to Amend An Act entitled, "An Act to Incorporate t  
Union City Manufacturing Company," passed Nov. 27, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act above mentioned, be so amended as to include the right to establish bleaching and printing departments among the rights and privileges granted to said company. Bleaching,  
etc.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, and that it may be increased to any amount not exceeding one million dollars, at the discretion of the stockholders; the same to be divided into shares of one hundred dollars each. Capital stock.

SEC. 3. *Be it further enacted*, That the Board of Directors of said company shall have power to fill any vacancy that may occur in the Board, by death, resignation, removal or otherwise. Vacancies.

SEC. 4. *Be it further enacted*, That as it is the intention of said corporation to be conducted on the co-operative plan, no person shall subscribe more stock to said company than one share each for himself and wife, and one share for each child and grand-child under twenty-one years of age; and each person so subscribing, shall be entitled to one vote for the stock subscribed for each child and grand-child, until they come of age; *Provided*, that if the amount of capital stock authorized upon this plan, shall not be subscribed for within six months from the date of this charter, then and in that case, the right to take stock shall be free from restriction, and the amount allowed to each subscriber shall be unlimited. Shares.

SEC. 5. *Be it further enacted*, That said manufacturing company shall have the power to issue bonds with coupons, running for a time not exceeding ten years, at a rate of interest that may be agreed on by the Board of Directors, and in amount not to exceed the amount of stock subscribed; *provided*, that said bonds shall not be sold for less than their par value; and, *provided further*, Bonds, etc.

that said rate of interest shall not exceed the legal rate of interest fixed by law at the place where said coupons are are payable.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CXI.

AN ACT to Re-Incorporate the Town of Dresden, in Weakley County, and for other purposes.

Powers and  
privileges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Dresden, and the inhabitants thereof, within the present corporate limits of said town, be, and they are hereby, constituted a corporation and body politic, under the name and style of the "Mayor and Aldermen of the Town of Dresden," and by such name shall have succession for ninety-nine years; may sue and be sue; plead and be impleaded, in all the courts of law and equity in this State; and may have and use a common seal, and alter and change the same at pleasure; may purchase, receive and hold real and personal estate for the use and benefit of the said corporation, either within or without the limits of said corporation; and may sell, lease or dispose of the same at any time and in any manner deemed to the interest of the corporation by the Mayor and Aldermen hereinafter provided for.

Annual election.

SEC. 2. *Be it further enacted*, That the regular charter election of said town shall be held on the first Monday in January of each and every year; and shall be held by the same officers in the same manner, and be subject to the same regulations that elections for county officers are held—except that only five days' notice of said election need be given—and the polls shall be opened at 12 o'clock, meridian, and closed at 4 o'clock, P. M.; and every male person of the age of 21 years, being a citizen of the United States and of the State of Tennessee, and a resident of said town for six months next preceding said election—



sane and not a pauper—and not having been convicted of any infamous crime, or not being a resident of said town, Voting. but a freeholder therein for six months next preceding said election, and a citizen, as aforesaid, shall be entitled to vote in said election; *Provided*, that a failure to hold said election at the time herein specified, shall not work a forfeiture of this charter or of the rights hereby conferred by it; but the election may be held at any time thereafter, subject to the same regulations herein prescribed for the same, if held at the regular time. Proviso.

SEC. 3. *Be it further enacted*, That the officers of said town shall consist of a Mayor, six Aldermen, a Recorder and a Town-constable, to be elected by the qualified voters Officers. of said town at the regular charter election of said town, and of such other officers as may be hereinafter provided for or established by the ordinances of the Mayor and Board of Aldermen. No person shall be eligible to the office of Mayor or Alderman of said town, except a male Eligibility. citizen of the United States and of the State of Tennessee, a resident of said town for twelve months next preceding the election, and a freeholder or householder therein.

The several officers herein specified shall hold their offices for one year and until their successors are elected and qualified; and shall receive for their services an annual salary from the Treasury of the corporation, to be Terms of office, salaries etc. fixed and regulated by the Mayor and Board of Aldermen; *Provided*, the salaries of the Mayor and Aldermen shall not be increased during the time for which they were elected.

SEC. 4. *Be it further enacted*, That the Mayor shall be *ex-officio* President of the Board of Aldermen; shall preside at the meetings of the Board, and shall have the casting vote in case of a tie; shall order called meetings Mayor's duties. of the Board of Aldermen whenever requested by three members so to do, and at such other times as in his judgment may be necessary; shall appoint all committees not otherwise provided for; shall draw all orders on the Treasury for money appropriated by the Mayor and Board of Aldermen; shall be the general executive officer of the corporation, and shall perform such other duties as may be hereafter specified or required by the ordinances, by-laws or resolutions of the Mayor and Board of Aldermen.

SEC. 5. *Be it further enacted*, That the Mayor and Aldermen of the said town shall constitute the Legislative Department thereof, under the name and style of the Legislative Department. "Mayor and Aldermen of the Town of Dresden," any

Quorum.

four of whom shall constitute a quorum to do business; and in the absence of the Mayor, to elect one of their own number President *pro tem.*, who shall, for the time being, have all the power and authority and be subject to the same rules and regulations as the Mayor; and a majority of those present shall be sufficient to pass any ordinances, by-laws or resolutions; but a majority of the whole Board shall be necessary to make an appropriation of money for any purpose whatever; but a smaller number than a quorum may adjourn from time to time, and may compel the attendance of the absent members by deducting from their salaries an amount proportionate to the number of regular meetings in the year. The regular meetings of the said Mayor and Aldermen shall be at least once a month.

Gen'l powers  
and privileges  
of Mayor and  
Aldermen.

SEC. 6. *Be it further enacted*, That the Mayor and Aldermen of the said town shall have power to pass such ordinances, by-laws and regulations, not inconsistent with the Constitution and laws of the United States nor of the State of Tennessee, as may be necessary for the purpose of securing the peace, quiet and general welfare and tranquility of the said town; to preserve the health and protect the lives and property of the citizens of the same; and to preserve the property of the town, county and State, within the corporate limits of the same, from injury, defacement or destruction; and to impose such penalties for the violation of any such by-law, or ordinance, as in their judgment may be necessary to enforce the observance of the same; *Provided*, such penalties shall in no case, exceed a fine of fifty dollars for any offense.

Same.

SEC. 7. *Be it further enacted*, That they shall have the power to erect a work-house, alms-house and house of correction or refuge; to build, repair, and keep in repair, bridges, culverts, sidewalks and pavements; to open and establish new streets and to streighten, open, widen, grade, repair, and keep in repair, all streets, alleys, sidewalks, pavements, and public grounds; to dig wells, dig or erect cisterns, pumps; and establish, control and regulate a fire department; to build, establish and control market-houses, market-spaces, and marketing, and to prevent, prohibit and provide for the punishment of regrating, forstalling and huckstering; to license, regulate, control or prohibit, billiard tables, Jenny Lind tables, bowling alleys, nine or ten pin alleys, or other establishments of a similar character; to prevent and prohibit bawdy houses, gambling houses, disorderly houses and gambling of any character whatever; to prevent and remove nuisances; and to provide for the punishment of parties creating the same; to pre-

vent and prohibit riots, breaches of the peace, unlawful or disorderly assemblies, and conduct, and to provide for the punishment of the parties guilty of such offense; to provide, establish and regulate a police and provide a special police in case of emergencies; to order the closing of saloons, or other places where intoxicating liquors are sold as a beverage, on election days and other days on which, in their judgment, the closing of such houses is necessary to preserve the peace of the town; and to provide, by ordinance, for the punishment of persons guilty of violating such order, when properly notified of its existence; to prevent, prohibit and provide for the punishment of parties guilty of violating the Sabbath by doing any other than the ordinary and necessary work of the household or other work of necessity or charity; and to provide, by law or ordinance, for the preservation of the trees and shrubbery on the streets, alleys and public grounds, and for preventing the feeding or running at large of swine, and other animals on the streets, alleys, and public grounds of said town.

SEC. 8. *Be it further enacted*, That the Mayor and Aldermen of said town, shall have power by ordinance, order or resolution, to compel the owners of real estate fronting on the public square, or any other street or alley in said town, whenever, in their judgment, the public conveniences require it, to build plank or brick sidewalks or pavements with wood, brick or stone curbs, of such width and dimensions as they may prescribe; and in the event of the failure of the property holders, aforesaid, to build such sidewalks within such time and in such manner as prescribed, after due publication and notice of such order, to have the same built by said Mayor and Aldermen, and to collect the cost of the same off the owners of the property in front of which the same have been built; the cost of the same to be ascertained by dividing the cost of the whole work by the whole number of feet of sidewalk so built, and charging to each real estate owner directly adjacent to and interested or benefitted by it, with an amount of work in proportion to the cost of the whole work; and should any person or persons thus chargeable, refuse to pay the amount thus assessed against him or them, the amount with costs of collection, shall be assessed, levied and collected by the collector, as other taxes are assessed, levied and collected; and the said costs and charges are hereby made a lien upon the real and personal property of the person or persons so chargeable.

SEC. 9. *Be it further enacted*, That the said Mayor and Aldermen shall have power to receive, purchase and

General powers and privileges of Mayor and Aldermen

Sidewalks, etc.

Owners to pay for building.

Real estate.

hold an amount of real estate outside the corporate limits of said town sufficient for the establishment of a cemetery, and may by themselves, or a committee of their own number, appointed as they may direct, improve, beautify, enclose, lay off and sell the same in lots of such size and in such manner as they may deem best and most suitable for the purposes herein mentioned.

Treasurer, duties, etc.

SEC. 10. *Be it further enacted*, That the Mayor and Aldermen of the said town, shall, at the first meeting succeeding their election and qualification, elect a Treasurer, whose duty it shall be to receive from the Collector, Constable and Recorder, all moneys received by them for the corporation, and to hold and disburse the same upon the orders of the Mayor and Aldermen, signed by the Mayor or President of the Board, *pro tem.*, and countersigned by the Recorder; and to pay over, to his successor in office, any moneys remaining in his hands at the expiration of his term of office; he shall give bonds to the Mayor and Aldermen for the faithful performance of his duties; and shall report quarterly to the Board, the condition of the Treasury, and the amount of money remaining in his hands, together with a full and complete statement of all moneys received and paid out by him during the preceding quarter. He shall receive a compensation for his services, to be fixed and regulated by the Mayor and Aldermen.

Quarterly report.

Collector, duties, etc.

SEC. 11. *Be it further enacted*, That the Mayor and Aldermen of said town shall also, at the said first meeting after their election and qualification, elect a Collector, whose duty it shall be to collect and pay over to the Treasurer, all taxes assessed on property and polls in said town; he shall give bond conditioned for the faithful performance of his duty; shall pay over all moneys by him collected, to the Treasurer, at least once a month, and shall report quarterly to the Mayor and Aldermen, the amount by him collected; he shall receive a compensation for his services, to be fixed and regulated by the Mayor and Aldermen; they may also elect a town Attorney, whose duties, powers and compensation, shall be such as may be prescribed by ordinance; they may elect such other officers and appoint such committees, with such powers and duties, as they may deem necessary, and prescribe by ordinance, not inconsistent with the constitution and laws of the United States and of the State of Tennessee.

Attorney, etc.

SEC. 12. *Be it further enacted*, That the Mayor and Aldermen of said town, shall have power to levy, assess, and through their proper officers, to collect taxes on all

property, polls and privileges within the said town, which now are, or may be hereafter made taxable by the laws of the State of Tennessee; *Provided*, they shall levy and assess the same in the same manner, the State and county assess taxes; and the *per centum* so levied and assessed shall, in no case, exceed the *per centum* levied and assessed by the State and county on such property, polls and privileges; and the proper officers of the corporation shall have the same powers, be vested with the same rights and remedies, and subject to the same liabilities in levying, assessing and collecting taxes, that assessors and collectors of taxes for the State and county have; and the said taxes so levied and assessed, shall be, and constitute a lien upon all the property, real and personal, of the parties against whom the same may be assessed; and no personal property shall be exempt from distress and sale. The payment of such taxes may be enforced without other warrant than the tax books of said town.

Powers and rights of collectors.

SEC. 13. *Be it further enacted*, That it shall be the duty of the Recorder of said town, to keep a true, correct and accurate record of the proceedings of the Mayor and Aldermen; to copy and have published in a newspaper of said town, or by posting up, in at least three public places in said town, of which the court-house door shall be one, all proceedings of the Mayor and Aldermen, which shall be required to be published by them, by order, ordinance or otherwise, including all ordinances passed by them; to assess the tax on polls and property, and to make out and deliver to the Collector, a certified copy of the tax book, taking his receipt therefor; to collect the taxes on privileges, and to issue licenses to parties paying for the same; and to pay over to the Treasurer, all moneys collected by him at least once a month, and perform such other duties as the Mayor and Aldermen may, by order, ordinance or resolution, require of him. He shall give bond for the faithful performance of his duties before entering upon the same; he may be elected Treasurer, in which case, he shall perform all the duties hereinbefore mentioned for that officer.

Of Recorder.

SEC. 14. *Be it further enacted*, That the Town-constable of said town shall be the chief of police of the said town, and shall have power to execute all processes issued from the Mayor's court; to arrest, without warrant, all persons whom he may see violating any of the ordinances of said town, or laws of the State, and carry them before the Mayor for trial; and if arrested in the night time or on Sunday, to commit such offenders to the jail of

Of Town-constable.

the county, without warrant, until trial can be had. And it is hereby made the duty of the jailer to receive such persons offending, to his custody without mittimus or any other order; to execute processes within the limits of the said town issued by any magistrate in said town, against persons charged with offenses against the laws of the State; to pursue and arrest offenders against the ordinances of the town in any part of the county, and to serve subpoenas on witnesses, both within and without the corporate limits; to collect all fines imposed for the violation of any of the said ordinances, or to take bond for the payment of the same, and to take bond for the appearance of the parties, when for any cause the trial is continued. He shall have the power to appoint regular and special deputies, who shall be clothed with all the powers he may himself possess; he may summon the *posse committatus* for the enforcement of any process or order of the Mayor's court, or of a justice of the peace; he shall have the powers of a constable of the county in all criminal business within the limits of the town, and shall be entitled to the same fees which sheriffs and constables are entitled for similar services; he shall perform such other duties as may be required of him by order, ordinance, or resolution of the Mayor and Aldermen, and for such services shall receive such fees as may be prescribed by ordinance.

Deputies, etc.

Powers and duties of Mayor.

SEC. 15. *Be it further enacted*, That the Mayor of the said town shall be the judicial officer and Police Judge of the same. His court shall always be open for the trial of offenses against the laws of the State, or of this corporation, and shall be styled "the Mayor's Court of Dresden." He shall have concurrent jurisdiction with Justices of the Peace, for the trial of all offenses against the State of Tennessee, with power to commit and bind over to the Circuit Court, as a Justice of the Peace has, and exclusive jurisdiction for the trial of all offenses committed against the laws of this corporation; and shall be clothed with all the powers, privileges and immunities of a Justice of the Peace, in the hearing, trying, continuing and determining any cause in his court; he may commit parties brought before him for trial, or hold them to bail, when, from any legal cause, either the prosecution or defendant is not ready for trial, or the defendant is not in a condition, from drunkenness or any other cause, to be heard by himself or counsel; and may impose, at his discretion, any pecuniary penalty for the violation of any of the by-laws or ordinances of the said town, which may be prescribed by the said by-laws or ordinances, subject to the

Same as Justices.

conditions and provisions of this charter; and all fines imposed in his court shall inure to the benefit of said town, and if any person or persons, against whom any fine may be assessed in his court for the violation of any by-law or ordinance of the town, shall fail to pay the same and all costs, or secure its payment, to be paid within thirty days after rendition of judgment, he shall commit such person or persons to the work-house, or in the absence of a work house, to the jail of Weakley County, for a length of time not greater than one day for each two dollars of the fine so assessed. And it is hereby made the duty of the Jailer of the said county, to receive and keep in the said jail, any person or persons so committed upon the warrant of the Mayor, for the length of time so specified, and no longer, unless the fine and costs, together with the cost of commitment and confinement are sooner paid or secured; for which he shall receive the same compensation as in other cases of imprisonment; and it is hereby further provided, that such commitment and confinement in jail of said county, shall not release the said fine and cost, but the same may be afterwards recovered, together with the cost of commitment and confinement, by a civil action in the name of the Mayor and Aldermen of the town of Dresden, in the Mayor's Court, or before any Justice of the Peace for the said county; and it is further provided, that, in the event, any person or persons, against whom any fine may be assessed as aforesaid, shall give security for the payment of the same, the said fine and cost shall become due and payable at the expiration of the time specified in the bond for the same; and the Mayor, without further proceedings, may issue execution for the collection of such fine and cost against the principal and securities in said bond, returnable before the Mayor, at his office, within the time executions in civil cases are returnable; but which said executions shall not be subject to stay, but may be immediately levied on any properties of the parties to the execution; and the sales made under such executions, shall be made for cash.

Fines, etc.

Jailer.

Security for fines.

The said Mayor's Court shall be a court of record, and shall have power to issue all process, leading, mesne and final, necessary to carry out the object of its creation, and to enforce its orders and judgments; and shall have the same power which other courts of the State have to protect itself from contempt, subject only to the general laws of the State, and to the provisions of this charter. All warrants from the said court shall run in the name of the "State of Tennessee," and shall conclude "against the peace and

Mayor's Court.

dignity of the State." In the case of the absence, disability or incompetency of the Mayor of the town, the Recorder shall act as Mayor in the trial of offenses, and for the time being, shall be clothed with all the powers, and be subject to all the liabilities of the Mayor; the Mayor of the said town, shall receive and be entitled to the same fees in all causes tried by him, which Justices of the Peace are entitled to for similar services; and shall keep a full, just and true record of all proceedings, and preserve all papers connected with any cause tried in his court. Any person dissatisfied with the judgment of the Mayor in any case, may appeal to the next term of the Circuit Court of Weakley county, when the amount in controversy exceeds twenty dollars, exclusive of cost; *Provided*, the said appeal be taken within the time, and controlled and governed by the same laws as are appeals from the judgment of a Justice of the Peace in other cases.

Process, fees,  
etc.

Appeals.

SEC. 16. *Be it further enacted*, That all the officers of the said corporation, shall take an oath to support the Constitution of the United States and of the State of Tennessee, and the charter of the town of Dresden, before entering upon the discharge of their duties.

Oath of office.

SEC. 17. *Be it further enacted*, That the removal beyond the limits of the town of any officer thereof, or the ceasing to be a freeholder or householder in said town of Dresden, of any Mayor or any Aldermen, shall immediately vacate his said office; and an election shall be held at the next regular meeting succeeding, to fill such vacancy.

Vacancies.

SEC. 18. *Be it further enacted*, That all vacancies in any office of the said town, whether caused by death, resignation or removal beyond the limits of, or ceasing to be a freeholder or householder within the limits of the corporation, shall be filled for the unexpired term by the Mayor and Aldermen; and all elections by them shall be by ballot.

Same.

SEC. 19. *Be it further enacted*, That all the officers of the said town now in office, shall continue to hold their said offices until their successors are regularly elected and qualified under the provisions of this charter; and are hereby clothed with all the powers, privileges and immunities hereby conferred upon the officers who may hereafter be elected under the provisions of this charter.

Present of-  
ficers..

SEC. 20. *Be it further enacted*, That all by-laws and ordinances of the said town now in force, not inconsistent with the provisions of this charter, shall be and remain in full force and effect until altered, amended or repealed

By-laws, etc.



by the Mayor and Aldermen of the said town under this charter.

SEC. 21. *Be it further enacted*, That the Mayor and Aldermen shall not, during any one year, incur a greater amount of indebtedness for any purpose whatever, than the probable amount of the revenue of the said town, for the current year, added to existing liabilities of said town. Indebtedness.

SEC. 22. *Be it further enacted*, That, if the Recorder, Treasurer, Collector, or Town-constable of the said town, should fail or refuse to pay over and account for any moneys by him or them collected or received, the amount may be recovered by motion of the defaulting officer, and his sureties or any, or either of them, upon notice of ten days, or by a suit at law in the Circuit Court of any county in the State, in which any such parties reside. Failure to pay over moneys.

SEC. 23. *Be it further enacted*, That it shall be the duty of the Mayor and Aldermen of said town to ascertain and declare, and by permanent stone or other permanent land-marks, to lay off and define the boundaries of said town, its streets and alleys, at the earliest practicable time; and a failure to do so within twelve months from the passage of this Act, shall render said Mayor and Aldermen subject to presentment and indictment in the Circuit Court of Weakley County, and to a fine of fifty dollars for such failure. Boundaries.

SEC. 24. *Be it further enacted*, That all laws and parts of laws heretofore passed inconsistent with the provisions of this Act, shall be, and the same are hereby repealed. Repealed.

SEC. 25. *Be it further enacted*, That a failure of said Mayor and Aldermen to perform any duty required of them by the 23rd section of this Act, shall, after the expiration of twelve months from the passage of this Act, render said Mayor and Aldermen liable to presentment and indictment and punishment, as provided in said 23d section of this Act, at every term of the Circuit Court of Weakley County, until the requirements of said section are performed. Liable to presentment.

SEC. 26. *Be it further enacted*, That the real and personal private property of said Mayor and Aldermen shall be subject to levy and sale by execution, for any fines and costs which may be imposed or assessed against them for a violation or failure to comply with the duties and requirements imposed by the 23d and 25th sections of this Act; and said real and personal private property shall also be liable to levy and sale for the payment of any and all fines and costs which may be imposed, adjudged or assessed against them for any failure to keep the streets and alleys within Property liable.

Proviso.

said town open, free from obstructions, and in good repair; *Provided*, that said Mayor and Aldermen may, after obtaining the written consent of the immediately adjoining proprietors, owners and occupiers of town lots, sell at public sale, and convey to the purchaser, any street or alley within said town, which, in the opinion of said Mayor and Aldermen, may be sold and closed without inconvenience to the public or adjoining owners.

Town of Alexandria.

SEC. 27. *Be it further enacted*, That the Town of Alexandria, in the County of DeKalb, is hereby re-incorporated under the name and style of the "Mayor and Aldermen of the Town of Alexandria;" and the said corporation is hereby clothed with all the powers, privileges and immunities, and with all the liabilities conferred by this Act upon the Mayor and Aldermen of the Town of Dresden; *Provided*, the boundaries of said Town of Alexandria shall be as now fixed by law.

Murfreesboro and Triune Turnp. Co.

SEC. 28. *Be it further enacted*, That John Lyttle, W. G. Garrett, J. Todd, H. C. Bartley, Jos. King, Jno. King, James King, Jr., and Joseph Holloway, be and they are hereby appointed Commissioners to open books to receive subscriptions for stock, for the purpose of building a turnpike road from Murfreesboro, in the County of Rutherford, to Triune, in the County of Williamson, along the most practicable route, at such times and places as they may think best; and such subscriptions for stock may be made payable in cash or in work to be done in the construction of said road. The subscribers to said stock be and they are hereby created a body corporate and politic, by the name and style of the "Murfreesboro and Triune Turnpike Company;" and by that name may sue and be sued, plead and be impleaded; have and use a common seal, and have succession for ninety-nine years; *Provided*, nothing contained in this Act shall be so construed as to repeal any charter heretofore given by the Legislature of Tennessee, for a turnpike road from Triune to Franklin; *Provided further*, that any road built under the provisions of this charter from Murfreesboro, shall be required to connect with any road that may be built from Franklin, in the direction of Murfreesboro, under the provisions of any former charter.

Powers and rights.

Proviso.

SEC. 29. *Be it further enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, and may be any sum less, necessary to complete said said road, to be divided into shares of twenty-five dollars

Capital stock.

each; and when the sum of ten thousand dollars is subscribed—either in cash or in work to be done on said road—a meeting of the stockholders shall be held at such time and place as a majority of said Commissioners may designate, all being notified; and may proceed to elect five Directors—being stockholders—to manage the affairs of the company, who shall elect one of their body President; and the President and Directors thus chosen, may elect a Secretary and Treasurer and all such officers as may be necessary in conducting the business of said company; to make such by-laws as they may deem right and proper not inconsistent with the Constitution of this State or the United States. Meeting.

SEC. 30. *Be it further enacted*, That the President, Directors and officers so elected and chosen, shall hold their respective offices for two years from the date of their election, and until their successors be chosen and qualified. The said road may be located and built entirely or in part on the bed of the present road leading from Murfreesboro to Franklin. Terms of officers.

SEC. 31. *Be it further enacted*, That said road be built in accordance with the provisions of An Act passed November 20, 1857, chartering the Lebanon and Lowe's Ferry Turnpike Company; and be entitled to receive the same tolls as by that Act provided. How built.

SEC. 32. *Be it further enacted*, That whenever said road is completed, said company may erect a gate, two miles from Murfreesboro, and an additional gate for every five miles of road; *Provided*, the gate nearest shall not be nearer than two miles of said town; and *provided further*, that, upon the completion of five miles from either town, the company may erect the gates this Act authorizes to be erected nearest said town. Toll gates.

SEC. 33. *Be it further enacted*, That said company may make calls for the payment of stock subscribed in the manner prescribed in said Lebanon and Lowe's Ferry Turnpike Company's charter.

SEC. 34. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CXII.

## AN ACT to Incorporate the Riceville Scientific and Classical Institute

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That W. S. Calloway, W. B. Porter, A. J. Dodson, Phillip Owen, Dr. J. A. Paskison, Jno. D. McKenney, M. N. McKenney, Thomas N. Epperson, John M. Dodson, J. B. Kimbrough and L. C. Bentfro, or a majority of them and their successors are hereby made and constituted a body corporate and politic, with a succession for ninety-nine years, under the style and the of the "Board of Trustees of the Riceville Scientific and Classical Institute;" located in the Town of Riceville, County of McMinn and State of Tennessee. Said Trustees may have a corporate seal; may sue and be sued; plead and be impleaded; answer and be answered unto in any court of law or equity in this State.

Corporators.

Privileges.

Real or personal property

**SEC. 2.** *Be it further enacted,* That the said Board of Trustees, their associates and successors are hereby invested with all legal powers to acquire and hold by purchase, devise, gift or bequest, real and personal estate; to sell or exchange the same for the benefit of the Institution; to receive any sums of money which may be donated, bequeathed or granted to them for the purpose of building, improveing or endowing, or in any other manner supporting or advancing said Institute, or any of the branches taught therein.

Powers of Board.

Officers, meetings, etc.

**SEC. 3.** *Be it further enacted,* That the said Board of Trustees shall have the power to increase their number to fifteen; to fill vacancies in their body caused by death, resignation or otherwise; to declare vacant the seat of any Trustee who shall neglect the business of said Institute for one year, or for conduct not consistent with the dignity and responsibilities of his position; to make their own by-laws, rules and regulations, relative to said Institute; not inconsistent with the laws of this State or of the United States; to elect a Chairman, Secretary and Treasurer, from their own number, and hold such meetings at such times and places as they may deem proper; but not less than five of the said Trustees shall constitute a quorum, to do business relating to the Institute; and to elect a Trustee or employ a teacher, a majority of the whole number shall be present.

**SEC. 4.** *Be it further enacted,* That, with the aid of the Faculty, the Trustees shall have power and authority to **Course of** prescribe the course of study and discipline for the Institute; to organize any school for the pursuit of a scientific study, etc. branch of science when deemed expedient; to create and endow Professorships for the same; and to confer such honors, certificates and diplomas upon persons of suitable attainments in the various schools so organized, as are conferred by the best similar Institutes in the United States; in testimony of which the seal of the Institute and the signature of the Faculty, Chairman and Secretary of the Board of Trustees shall be affixed to such evidences of distinction and diplomas.

**SEC. 5.** *Be it further enacted,* That said Institute shall **Taxes.** be exempt from State and County tax; and that this Act shall be in force from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CXIII.

**AN ACT** to Amend An Act entitled "An Act to incorporate the Knoxville Bridge Company, passed December 14, 1865."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Alvin Barton, John W. Cruze, Jacob Doyle, John Jones, Sr., E. E. McCroskey, C. W. Jones, James Rodgers and Matthew Nelson, all of Knox County, be, and they are hereby constituted the Board of Commissioners, any three or more of whom may open books **Commissioners, subscriptions, etc.** of subscription, and manage all the affairs of said company until organized; and the capital stock of said company shall be made up of shares of one hundred dollars each; and five Directors shall be elected when said company is organized.

**SEC. 2.** *Be it further enacted,* That said company shall begin the construction of said bridge within two years, and complete it within five years after the passage of this

Time to complete, etc]. Act; in which event, this amendatory Act, and said original Act of December 14, 1865, except so far as the same is hereby amended, shall be and continue in full force; but in case of failure to commence and complete as herein provided, this and said original Act shall be void.

Rights and privileges. SEC. 3. *Be it further enacted*, That the corporate authorities of the City of Knoxville, and the County Courts of Blount, Knox and Sevier Counties, respectively, may take stock in said company; and be stockholders, to the extent of the stock so taken by them, respectively, and subject to all the liabilities and restrictions, and entitled to all the rights and privileges as other stockholders.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS.

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CXIV.

AN ACT to Incorporate the Memphis and New Orleans Packet Company.

Corporators. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Martin Walt, A. L. Cummins, R. P. Walt, John D. Adams, J. F. Hicks, F. S. Davis and Henry G. Smith, and their associates and successors, be, and are hereby created a body corporate and politic, by the name of the "Memphis and New Orleans Packet Company;" and by that name shall be known, and for the period of twenty years shall have succession; sue and be sued, complain and defend, in any court of law or equity; and may make and use a common seal, and alter the same at pleasure; may purchase, receive, hold, transfer and convey such real estate, choses in action and securities, negotiable and otherwise, as may be expedient in and for the management of its business, as herein defined; may appoint such officers, agents and servants as said business shall require, and prescribe their duties and fix their com-

Rights and privileges.

pensation; and may make by-laws not inconsistent with the laws of the State or of the United States, for the management of its property and the regulation of its affairs.

SEC. 2. *Be it further enacted,* That this corporation shall have power to run a line of boats on the Mississippi River and its tributaries, and for that purpose may buy or build such steam or other boats as may be necessary to carry on said business; and may sell such boats and other property as are no longer needed in said trade; and shall possess full power to carry passengers and freight of every kind and description usually carried on steamboats, and to conduct all operations which may be necessary to carry on such business. Business powers.

SEC. 3. *Be it further enacted,* That the capital stock of this corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each, and it may be increased to any sum not exceeding one million dollars, whenever the stockholders may by vote so direct. The stock shall be deemed personal property, and shall be transferable in the books of the corporation, in such manner as the by-laws may prescribe. Capital stock.

SEC. 4. *Be it further enacted,* That at such time and place as a majority of the corporators named in the 1st section of this Act shall, in writing, appoint, books shall be opened for subscription to said capital stock, and may be kept open until the stock shall have been subscribed. Payment of said capital stock shall be made in such sums and at such times as the Board of Directors of said corporation may require; and said Board shall have power to provide for the forfeiture to the corporation of the stock of those who may fail to make such payment, or to bring suit at their option for the recovery of such amount as may be due and owing by any stockholder, in any tribunal having jurisdiction of the amount so due and unpaid. Subscription books, etc.

SEC. 5. *Be it further enacted,* That the affairs of this company shall be managed by a Board of no less than five Directors who shall be stockholders therein; the stockholders may at any time by vote, increase the number of Directors to seven. Any vacancy occurring in the Board by death, resignation or otherwise, shall be filled for the remainder of the term by the Board. Forfeitures,

SEC. 6. *Be it further enacted,* That as soon as stock to the amount of five hundred thousand dollars shall have been subscribed, a time and place shall be designated in writing by a majority of the corporators above named for the election of five directors, of which the stockholders How man'ged

Election of  
Directors.

shall be notified, and the persons then elected shall constitute the Directory until their successors shall be elected.

Same.

SEC. 7. *Be it further enacted*, That, on the first Monday in June of each year, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, at such place as the Board may designate, an election shall be held for Directors to serve for the ensuing year and until their successors shall be duly elected; a written or printed notice shall be given to each stockholder personally or through the post-office, at least ten days before the election. If from any cause an election be not had on said day, it may be had on any day which may be appointed by the Board or by any three stockholders, of which like notice shall be given.

Manner of  
voting, etc.

SEC. 8. *Be it further enacted*, That all elections shall be by ballot, and the name and number of each stockholder shall be endorsed on the ballot; every stockholder shall be entitled to one vote for each share of stock owned and held by him, and he may vote in person or by proxy; those persons receiving the highest number of votes shall be declared elected; and in event of a tie between two persons, both of whom cannot be Directors without making the number of the Board greater than that authorized, the remaining members of the Board shall, by resolution, declare who shall serve.

Rights and  
privileges.

SEC. 9. *Be it further enacted*, That said corporation shall have, possess and enjoy all rights and privileges incident to corporations, and shall be subject to all such general laws as may now exist or may hereafter be passed regulating corporations of a similar character.

SEC. 10. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.



## CHAPTER CXV.

AN ACT to Charter the Bank of Covington, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Nat. Tipton, D. C. Slaughter, Corporators. C. B. Hall, W. M. Hall J. H. Cummings, R. S. Barrett, J. R. Sanford, S. P. Bernard, and S. R. Shelton and their associates and successors be, and they are hereby created a body politic and corporate, by the name and style of the "Commercial Bank of Covington," and by that name shall have succession, sue and be sued, plead and be impleaded, and generally to do any act and thing necessary to carry out the provisions of this Act and to promote the objects of this incorporation. Privileges.

SEC. 2. *Be it further enacted*, That the capital stock of said company, shall be divided into shares of fifty dollars each; and when one hundred and fifty shares shall have been subscribed and the sum of five dollars per share paid therein, the stockholders may meet and elect five Directors who, when elected, shall enter upon their duties; and said Directors shall elect one of their number to be President during their term of office. Capital stock, meeting, etc.

SEC. 3. *Be it further enacted*, That said President and Directors shall and may adopt and use a common seal and alter the same at pleasure; may make and adopt proper by-laws for their government; may appoint all necessary officers and agents, fix their compensation; and take bond and security for the faithful performance of their duties; they may prescribe the manner of paying off the stock and of the transfer of the same. Said Institution shall have a lien on the stock for debts due it by stockholders before and in preference to other creditors, except the State and county, for taxes; and shall pay to the State such tax as may be imposed on similar institutions, by the Legislature, after the organization of said company. By-laws, payments, etc.

SEC. 4. *Be it further enacted*, That said Institution may discount notes may buy and sell stocks; deal in exchange, gold and silver bullion; may purchase and hold a lot of ground for the use of said Institution, as a place of business, and at pleasure sell or exchange the same; and may hold such real and personal property and estate as may be conveyed to it to secure debts due the Institution, and may convey the same; it may receive on deposit any Business privileges.

**Deposits.** and all sums not less than one dollar per week offered, and infants and *femes covert* may deposit therein, and control the deposits so made, which shall be for their sole and separate use, free from all other contracts whatever; and when said deposits shall amount to fifty dollars it may be, at the option of the depositor, stock in the Institution. It may receive other general and special deposits, and allow such interest thereon as may be agreed upon, not exceeding that allowed by law; and twice a year declare and pay to stockholders a dividend of profits. But said Institution is hereby expressly prohibited from issuing notes, certificates or other paper for the purpose of being used, or which shall have a tendency to pass and be used as a circulating medium.

**Elections.** SEC. 5. *Be it further enacted*, That, the President and Directors shall annually appoint the time and place for holding the election of their successors; and two or more of their number shall attend and conduct said election, each share being entitled to one vote.

**Liabilities.** SEC. 6. *Be it further enacted*, That, the real and personal property of all the stockholders in said Bank, shall be liable for all debts, liabilities, and deposits that said Bank may incur.

**Capital Stock.** SEC. 7. *Be it further enacted*, That said corporation shall, and may have the right to increase their capital stock to any sum not exceeding two hundred thousand dollars, and may have succession for thirty years.

**Commercial Bank of Chattanooga.** SEC. 8. *Be it further enacted*, That William Crutcherfield, R. L. Watkins, T. K. Wornacut, E. M. Wright, E. O. Tade and O. P. Fouts, their associates, successors and assigns, be and they are hereby incorporated a body corporate and politic, by the name and style of the "Commercial Bank of Chattanooga," to be situated in the City of Chattanooga, Tennessee, with all the rights, powers, privileges and immunities, granted by this Act to the Commercial Bank of Covington, and subject to the liabilities and restrictions as are imposed by this Act upon the said Commercial Bank of Covington.

**Chattanooga and Maryland Railroad Co.** SEC. 9. *Be it further enacted*, That Thos. A. Brown, Jno. L. Divine, Richard Henderson and A. G. W. Puckett, of Hamilton County; Jno. R. Brown, D. A. Gollaber and Jacob Peaker of Meigs County; James W. Gillespie and Warner E. Colville, of Rhea County; W. S. McEwen and R. K. Byrd, of Roane County; David K. Young and Jno. Jarnigan, of Anderson County; Jno. G. Newby,

L. K. Patterson and James R. Evans, of Claibourne County, and their successors, are hereby created a body politic and corporate, by the name and style of the "Chattanooga and Maryland Railroad Company;" and they or any three of them, may cause books to be opened for the subscription of the capital stock at such times and places, and upon such notice as they may see proper; and after said books shall have been opened any one of said persons or other agents of said company, may receive subscriptions of stock at any time or place. Subscriptions.

SEC. 10. *Be it further enacted,* That the capital stock of said company shall be five millions of dollars, but may be increased at the pleasure of the company, to a sum sufficient to carry out the purposes for which said company is created. The shares of stock in said company shall be fifty dollars; and as soon as a sum sufficient to pay for a survey of said road, the company may organize by electing such officers as may be deemed necessary; and said company shall have power to buy, hold, and sell property—real, personal, and mixed—for the purpose of constructing and operating said road; and shall have the right to sue and be sued, in any of the courts of this State; may have a common seal, which may be changed at pleasure; and shall have and enjoy all the rights and privileges which other similar corporate bodies may do; shall have succession for ninety-nine years; may contract and operate a railroad from Chattanooga, Hamilton County, Tennessee, to a point to be hereafter designated on the Virginia State line, in Claiborne County, or Hancock County, Tennessee; said company may consolidate with any other railroad company in or out of this State; or may sell its rights, powers, franchise and privileges to any other railroad company, in or out of this State; or it may purchase the rights, powers, franchises and privileges of any other railroad company in or out of this State; and the company so purchasing, shall be invested with all the rights, powers, privileges and franchises hereby conferred upon said Chattanooga and Maryland Railroad Company; *Provided*, any lien the State may have on any road, shall not be impaired. Capital stock.  
Business  
privileges.  
May consoli-  
date, etc.

SEC. 11. *Be it further enacted,* That the time of the payment of stock subscribed, shall be as the company may direct; *Provided*, more than ten per cent. shall not be required to be paid at any one time, nor shall payment be required oftener than once in ninety days; and if any subscriber shall fail or refuse to pay any installment, or part of subscription demanded, the same may be recov- Payment of  
stock.

May issue  
bonds.

ered by action in the name of the company, in any of the courts of this State having jurisdiction. Said company may issue its bonds, on such terms and conditions as it may see proper; *Provided*, such bonds shall not bear a higher rate of interest than six per cent. per annum, or have a longer term to run than thirty years. And no State aid shall be granted to said railroad, and said railroad shall not discriminate against Tennessee freights or passengers; and the Legislature reserves the right to enforce this provision of this charter by all necessary legislation.

Election of  
Mayor and  
Alderman of  
Columbia.

SEC. 12. *Be it further enacted*, That section 6, of the Act to reduce the several Acts incorporating the City of Columbia into one Act, and to amend the same, passed Feb. 25, 1869, be so amended and changed that the election for Mayor and Aldermen shall take place on the third Saturday in November of each and every year, instead of the fourth Saturday in March, as now provided by law; *Provided*, that an election shall be held on the fourth Saturday of March, 1870, for Mayor and Aldermen, who shall hold office until the election takes place on the third Saturday in November, 1870, and until their successors in office are elected and qualified.

Constable  
abolished.

SEC. 13. *Be it further enacted*, That the office of City Constable, of the City of Columbia, is hereby abolished; *Provided however*, that the Board of Mayor and Aldermen shall have the power, at any time they may deem it necessary, to elect and designate a man for that position, and when elected, shall have the same rights, powers, and privileges that the City Constable now has by law.

Mt. Pleasant.

SEC. 14. *Be it further enacted*, That section 43, of said Act, be, and the same is hereby repealed; and that the corporate limits of the town of Mt. Pleasant, be and remain as they were before the passage of said Act.

Franklin So-  
ciety of Eliz-  
abethtown.

SEC. 15. *Be it further enacted*, That S. F. Hyder, B. F. Folsom, E. D. Jobe, Henry Boyd, Robert Lusk, and John Wilcox, their associates and successors in office, be, and they are hereby constituted a body politic and corporate, by the name of the "Franklin Society of Elizabethtown," for the purpose of diffusing moral and intellectual improvements, and of cultivating a correct literary taste among its members, with full power and authority to adopt such a constitution and by-laws as they may think proper for its government; *Provided*, the same does not conflict with existing laws.

SEC. 16. *Be it further enacted*, That said society shall have the same powers, immunities and liberties as are conferred upon the Philomethian Society, of Murfreesboro, by an Act passed November 17, 1866.

SEC. 17. *Be it further enacted*, That Isaac W. Harris, L. R. A. Tomkins, John Watson, P. G. Gillespie and H. T. Arnold, and their associates, successors and assigns, are created a body corporate under the name and style of the "Bank of Gallatin," for the period of twenty years, and by that name may sue and be sued, plead and be impleaded. Bank of Gallatin.

SEC. 18. *Be it further enacted*, That said Bank of Gallatin shall have power to buy, sell, and deal in gold and silver coin and bullion, public and private securities, and all descriptions of negotiable paper, buy and sell exchange, current and uncurrent bank bills and all kinds of money, borrow and loan money and currency, discount notes and other evidence of debts, receive and keep deposits and pay interest on the same, not however to exceed the rate established by law in the State, or without interest, if so agreed by the parties. Business privileges.

SEC. 19. *Be it further enacted*, That said Bank shall have power to lease or buy and hold real estate for its business office, to exchange and sell the same; and to receive in payment for debts due and owing to it, any and all descriptions of real and personal property, to take mortgages or deeds of trust upon real and personal property, to secure the payment of debts owing it, or loans made by it. Property, etc.

SEC. 20. *Be it further enacted*, That the capital stock of said Bank shall be twenty thousand dollars, in shares of one hundred dollars each, with power to increase the said capital stock to any amount not exceeding two hundred thousand dollars; and that the said incorporators herein named are authorized to receive subscriptions to the capital stock in such manner as they may think most suitable. Capital stock.

SEC. 21. *Be it further enacted*, That power is hereby vested in the incorporators of said Bank to create and fill such offices as may to them seem appropriate; and to employ such agents and servants as they may deem necessary to carry on or conduct the business of said Bank. Officers, etc.

SEC. 22. *Be it further enacted*, That said Bank shall be subject to the payment of such taxes as the General Assembly has or may impose upon similar institutions in this State. Taxes.

Natio'l Dime  
S'vings Bank. SEC. 23. *Be it further enacted*, That J. W. Jefferson, W. B. Richardt and William Amory, and their associates, and assigns, be, and they are hereby incorporated into a body politic and corporate under the name and style of the "National Dime Savings Bank of Tennessee;" and by that name shall have succession for ninety-nine years; may sue or be sued in any court whatsoever; and its principal banking office shall be located in the city of Memphis.

Business and  
objects. SEC. 24. *Be it further enacted*, That the general business and object of this corporation, hereby created, shall be to receive on deposit such sums of money as may be offered from time to time, by clerks, tradesmen, mechanics, laborers, servants, and others, in sums not less than one dime and upwards; and investing the same in the stocks, Treasury notes, and bonds of the United States, or the stocks and bonds of this State, or other stocks or bonds, or otherwise; investing the same upon bonds and mortgages, or loaning the same on collaterals or otherwise, as may be most conducive to the interest of the depositors and stockholders. The meaning and intent of this Act is to encourage the youths, the laborers, mechanics and others to save their small earnings, and to so securely invest the same as to make the same increase in value and amount.

Capital stock,  
organization,  
etc. SEC. 25. *Be it further enacted*, That the capital stock of said National Dime Savings Bank of Tennessee, shall be one hundred thousand dollars with authority to increase the same to one million dollars; and the stock shall be divided into shares of one hundred dollars each; and when five hundred shares shall have been subscribed, and the sum of ten per centum thereon paid in current funds, the subscribers may meet and organize, elect a Board of Directors or Trustees and commence business.

Directors,  
salaries, etc. SEC. 26. *Be it further enacted*, That the Board of Directors or Trustees shall be elected for the period of one year or until their successors are elected and installed; and that they shall have power to make and adopt such rules, by-laws and regulations as the interest of the corporation may require; and to fix the salary of its officers; and to require such bonds to be given by them as may be deemed requisite by the Board, for the faithful performance of their duties and trusts.

Privileges,  
etc. SEC. 27. *Be it further enacted*, That all the privileges not inconsistent with the Act granted to the Clay Saving's Institute, Act of December, 1866; and the National Loan and Saving's Bank, February 27, 1869; and the Bluff City Saving's Institution, passed May, 24 1866;

and the Tennessee Benevolent and Loan Association, are hereby granted to the National Dime Saving's Bank of Tennessee.

SEC. 28. *Be it further enacted*, That Joshua Elder, W. A. Quarles, R. G. Johnson, L. Block, James Creesman and their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the "Bank of Cumberland," having its principal office in the City of Clarksville, and shall have all the rights, powers, privileges and immunities conferred, and be subject to all the restrictions and liabilities imposed by that part of An Act passed May 24, 1866, incorporating the Bluff City Saving's Institution. Bank of Cumberland.

SEC. 29. *Be it further enacted*, That An Act to incorporate the Bluff City Saving's Institution, passed May 24, 1866, be amended by striking out in section 2, the word "five" and inserting "ten," which shall apply to the Murfreesboro Saving's Bank, and none other mentioned in said Act. Murfreesboro Saving's Bank.

SEC. 30. *Be it further enacted*, That so much of section 4, as authorized depositors to become stockholders at their option, be and the same is hereby repealed so far as it relates to the Murfreesboro Saving's Bank, and none other. same.

SEC. 31. *Be it further enacted*, That W. C. Whitthorne, F. C. Dunnington, W. J. Dale, Sr., Thos. W. Keiser, J. Minnick Williams, W. Vance Thompson, J. W. Dunnington, W. S. Parkes, D. B. Cooper and their associates and successors, be, and they are hereby created a body politic and corporate by the name and style of the "Farmers' Bank of Tennessee," and by that name shall have succession for twenty years; sue and be sued, plead and be impleaded; and to do generally every act and thing necessary to carry out the provisions of this Act, and to promote the object and design of this corporation. Farmers' Bank of Tennessee.

SEC. 32. *Be it further enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and when two hundred shares shall have been subscribed, and the sum of five dollars per share paid thereon, the stockholders may meet and elect five or more Directors, who shall be elected and enter upon the discharge of their duties; and said Directors shall elect one of their number to be President during their term of office. Capital stock

SEC. 33. *Be it further enacted*, That the said President

By-laws, pri- and Directors shall and may adopt and use a common  
vileges, etc. seal, alter the same at pleasure; may make and adopt  
proper and necessary by-laws for their government, may  
appoint or elect all necessary officers and agents; fix their  
compensation and take such bonds and securities as they  
may deem sufficient for the faithful discharge of their  
duties; they may prescribe the manner of paying in the  
stock, and of the transfer thereof; said Institution shall  
have a lien on the stock for debts due it by the stockhold-  
ers before, and in preference to other creditors, except the  
State and County, for taxes; and shall pay to the State  
such tax as may be imposed on similar Institutions by the  
Legislature.

Business pow- SEC. 34. *Be it further enacted*, That said Institu-  
ers. tion may discount notes; may buy and sell stocks; deal  
in exchange, gold and silver coin and bullion; may pur-  
chase and hold real and personal property, and sell the  
same at pleasure. It may receive general or special de-  
posits, and allow such interest as may be agreed upon, not  
exceeding that allowed by law; the Directors may, when-  
ever necessary or expedient declare and pay to the stock-  
holders a dividend of profits. But said institution is  
hereby expressly prohibited from issuing notes, certificates  
or other paper for the purpose of being used as a circula-  
ting medium.

Annual elec- SEC. 35. *Be it further enacted*, That the President and  
tions. Directors, shall annually appoint the time or place of  
holding the elections of their successors; and two or more  
of their number shall attend and conduct said election,  
each share being entitled to one vote; no stockholder, who  
owns less than five shares, shall be eligible for a Director.

Branches. SEC. 36. *Be it further enacted*, That the principal office  
shall be located at Columbia, Tennessee; but the Direc-  
tors shall have permission to open a branch at Nashville,  
or any point necessary to transact their business, subject  
to the provisions of this Act in each and every case; *Pro-  
vided*, said bank shall issue no notes for circulation.

Memphis and SEC. 37. *Be it further enacted*, That a railroad com-  
Mississippi pany is hereby created with power to build a Railroad from  
B. R. Co. some point at or near the City of Memphis, in the direction  
of the State line of Mississippi, with power to co-operate  
with any other railroad company now chartered, or which  
may hereafter be incorporated in the State of Mississippi,  
for the purpose of building a railroad from, at or near  
Memphis, in the State of Tennessee to Mississippi; with  
a capital stock of two millions of dollars, with power to



increase the same; said railroad company to be known by the name and style of "The Memphis and Mississippi City Railroad Company;" to have succession for ninety-nine years; to sue and be sued, plead and be impleaded in all the courts of law and equity in the State of Tennessee.

SEC. 38. *Be it further enacted*, That said company hereby created, shall have all the rights, powers, privileges and immunities granted by the laws of Tennessee, incorporating the Mississippi and Tennessee Railroad Company, by the Legislature of the State of Tennessee; with any amendments to the same so far as the same is applicable, with the exception of State aid, which is not granted. Powers and privileges.

SEC. 39. *Be it further enacted*, That Robertson Topp, Wm. G. Ford, Jno. Overton, Jr., E. C. McDowell, Wm. A. Goodwin, Hugh B. Martin and E. H. Porter, are hereby appointed Commissioners to open books for subscriptions to the capital stock of said company, at such times and places as they may designate; and so soon as the sum of one hundred thousand dollars is subscribed, with one per cent. on said subscription paid in, they may organize the company by electing seven Directors, who from their number, shall elect a President, with such other officers as they may deem proper, with such salaries as they may establish by their by-laws. Commis'srs.  
Organization.

SEC. 40. *Be it further enacted*, That, for the purpose of aiding in the construction of said railroad, said Commissioners or the President and Directors of the company, when organized, may receive subscriptions in land to the capital stock of said company on such terms and conditions as they may prescribe. Subscriptions.

SEC. 41. *Be it further enacted*, That the citizens of Moscow, in the county of Fayette and State of Tennessee, are hereby incorporated by the name of "Mayor and Aldermen of Moscow;" and by that name sue and be sued; contract and be contracted with; hold real and personal property; assess taxes to improve the streets and public squares, and pass all ordinances necessary for the benefit and good order of the town. Town of Moscow.

SEC. 42. *Be it further enacted*, That the boundary line of said corporation shall be as follows: Beginning at a point one hundred and thirty yards east of the Somerville Railroad; thence west seven hundred yards, to a stake; thence south to the edge of Wolf River bottom; thence in an eastwardly direction with the edge of the bottom, to the mouth of a Spring branch; thence with the meander- Boundary line

ings of said branch, to a cotton-wood tree, on the land of W. P. Dowdy; thence north to the beginning.

Election of  
Mayor and  
Aldermen

SEC. 43. *Be it further enacted*, That there shall be elected by the qualified voters of said town, a Mayor, six Aldermen and Constable, who shall hold their offices for twelve months, and until their successors are elected; and it shall be the duty of the Sheriff to advertise and hold the first election on the first Thursday in August, 1870; and after the first election, the Town-constable shall hold the election provided for in this Act, he having given bond and security in such sum as may be fixed by said Board of Mayor and Aldermen, for the faithful performance of his duty.

General pow-  
ers and privi-  
leges.

SEC. 44. *Be it further enacted*; That the Mayor and Aldermen of the Town of Moscow shall have power, by ordinance, in said corporation, to levy and collect taxes upon all property taxable by law, for State purposes, and upon all privileges and polls taxable by the laws of the State; to appropriate money and provide for the debts and expenses of the town, to prevent and remove nuisances; to open, alter, abolish, widen, extend, grade, establish, improve, preserve and keep in good repair, the streets and sidewalks; to establish patrols and watches; to regulate and suppress all disorderly houses, and houses of ill-fame; and to provide for the arrest and confinement until trial, of all vagrants, rioters or disorderly persons within the limits of the town; to impose fines, forfeitures and penalties for the breach of any ordinance or by-laws, and to provide for their recovery.

Work-house.

SEC. 45. *Be it further enacted*, That the Mayor and Aldermen may, as soon as practicable, after the passage of this Act, erect, purchase or rent, and organize, a work-house, within or beyond the limits of the town; and any person who shall neglect, refuse or fail to pay any fine or costs imposed upon him or her, under any ordinance of the town, shall be committed to the work-house, until such fine and costs be fully paid; every person so committed to the work-house, shall be required to work for the town at such work as his or her health will permit, within or without the work-house, not to exceed ten hours a day, (Sundays excepted,) and for such work shall be allowed one dollar per day and board, until the whole fine and costs are paid, when said persons shall be released; *Provide*, that no person shall be compelled to work longer than three months for any one offense; and until such work-house is established, such offenders may be made to work on the

Offenders to  
be confined.

streets of said town, subject to the same provisions and limitations as above.

SEC. 46. *Be it further enacted*, That the Aldermen elect shall judge of their own qualifications and those of the Mayor and other corporate officers. Qualifications

SEC. 47. *Be it further enacted*, That the Mayor shall act as the President of the Board of Aldermen, and in his absence the Aldermen shall choose one of their own number to act as President, *pro tem*. Mayor.

SEC. 48. *Be it further enacted*, That no person shall be qualified or elected as Mayor or Alderman, who is not a *bona fide* resident of the town at the time of election. Must be citizens.

SEC. 49. *Be it further enacted*, That the Mayor shall be *ex-officio* Recorder and Treasurer, and shall give bond with good and sufficient security, in the sum of ——— payable to the Board of Aldermen and their successors in office, conditioned upon the faithful, honest and lawful discharge of his office; said bond to be filed with the Clerk of the County Court; the Mayor shall keep all the records of the Council; that the Mayor of the Town of Moscow shall be and he is hereby invested with concurrent jurisdiction with the Justices of the Peace, in all cases of the violation of the criminal laws of the State, or the ordinances of the Mayor and Aldermen of the Town of Moscow, within the limits of said corporation. To give bond.

SEC. 50. *Be it further enacted*, That every law or ordinance passed by the Board of Aldermen shall, before it goes into effect, receive the approval and signature of the Mayor; and if he disapproves of any law or ordinance passed by the Board of Aldermen, he shall return the same with his objections in writing, to the next meeting of the Board; and no law or ordinance vetoed by the Mayor shall go into effect unless the same shall be passed by two-thirds of the Aldermen elected. Sign laws and ordinances.

SEC. 51. *Be it further enacted*, That the Town-constable shall have full power and authority to collect all fines, forfeitures and costs which may be imposed upon any person or persons, for any violation of the by-laws or ordinances of said corporation; and shall have the same power and authority in the collection of the same any where in the County of Fayette, as are now had and enjoyed by any other civil officer in the county. He shall also collect all taxes that may be assessed by the Board; and he shall give his official receipt for all such taxes to the tax-payers; and shall have the same right to collect taxes by process of law, as are now allowed the collectors' of County and State taxes, and shall be governed by the same laws gov- Town-constable to collect fines.  
Taxes.

Taxes on sales  
and privi-  
leges.

arising to the city of Memphis from taxes on sales and privileges, and from wharfage, shall be payable in gold and silver coin, or other lawful money of the United States; and the officer collecting or receiving such revenue shall not be permitted nor compelled to receive in payment thereof any scrip, warrant, coupon or other security, nor any indebtedness of the city of Memphis; and that such officer shall pay to the City Treasurer the same character of funds he so collects or receives.

All kinds of  
taxes.

SEC. 3. *Be it further enacted*, That hereafter, all taxes of every character which may be assessed, or may become due to the city of Memphis, shall be payable in gold and silver coin, or in any other lawful money of the United States; and no warrant, scrip, coupon, or other security, nor any indebtedness of the city of Memphis shall be receivable in payment thereof; *Provided*, that nothing herein contained shall prevent the payment of any taxes now due, or that hereafter may become due the said city, in such scrip, warrants, coupons, or other securities, as the said city has expressly contracted to receive in payment of such taxes.

Proviso.

Special taxes.

SEC. 4. *Be it further enacted*, That, in all cases where the city of Memphis has issued any warrant, scrip, coupon or other security, under a provision of law authorizing the levy of a special tax for the payment thereof—such warrant, scrip, coupon, or other security, shall not be paid out of the general or ordinary revenue of the city; but such special tax shall be levied and collected for the payment of the same, in the manner provided for in the Act authorizing the levy of such special tax.

Felony, etc.

SEC. 5. *Be it further enacted*, That the violation by any officer of the city of Memphis, of any of the provisions of sections one and two of this Act, shall be deemed to be a felony; and on conviction thereof in any court having jurisdiction, the offender shall be punished by a forfeiture of his office and a disqualification to hold any office within the said city for a period of five years, and by imprisonment in the State Penitentiary for not less than one nor more than five years, at the discretion of the court and jury trying the case.

Section 53 of  
charter  
amended.

SEC. 6. *Be it further enacted*, That section fifty-three of the Act to reduce the charter of the city of Memphis and the several Acts amendatory thereof, into one Act, and to revive the same, passed on the first day of December, 1869, be amended so as to read as follows: "The General Council shall have power, by ordinance, to provide during the last half of the corporate year, that assessments of

the property shall be made for the ensuing corporate year; and shall have power, by ordinance, to provide and make <sup>Taxes.</sup> all such taxes due from the first day of July, in the corporate year for which they were assessed. Assessments shall be made for the forty-third corporate year as soon after the organization of the General Council as possible."

SEC. 7. *Be it further enacted,* That the members of the General Council of the City of Memphis shall be exempt from service on juries within the County of Shelby.

SEC. 8. *Be it further enacted,* That the City Register and City Comptroller shall each have power to administer <sup>Register and Comptroller.</sup> oaths within said city; and any person swearing falsely before either of the said officers, shall be guilty of perjury, and upon conviction thereof, shall be punished in the same manner as other persons convicted of perjury.

SEC. 9. *Be it further enacted,* That the corporate authorities of the City of Memphis are hereby expressly <sup>Vending fresh meats.</sup> prohibited from granting licenses to any person or persons in the corporate limits of said city, to vend, sell, barter or exchange fresh meats in less quantities than the quarter, unless the same is disposed of at the regular market-houses, established by said city; and any person offending against the provisions of this section, shall be liable to be arrested and carried before the Recorder; and upon conviction, shall be fined in a sum of not less than fifty dollars, and imprisonment until said fine and writs are paid; *Provided,* that the said corporate authorities are not hereby <sup>Provision.</sup> prohibited from granting licenses for the sale of fresh meats on the wharf to steamboats and water crafts only; and *provided further,* that said corporate authorities are hereby required to establish Market Houses in the Ninth and Tenth wards of said city.

SEC. 10. *Be it further enacted,* That the charter of the City of Memphis be so modified and amended as to provide that hereafter all owners of real estate, situated <sup>Voting.</sup> within the corporate limits of said City of Memphis, upon which taxes are assessed and collected, shall be entitled to vote in all municipal elections in said city, either for city officers or the levy of taxes, whether the said owners of real estate be residents within the limits of the city or not.

SEC. 11. *Be it further enacted,* That all laws and parts of laws in conflict with this Act, be, and the same are <sup>Repealed.</sup> hereby repealed.

SEC. 12. *Be it further enacted,* That the Mayor of the City of Memphis is hereby clothed with an absolute <sup>Veto power of Mayor.</sup> veto over any ordinance of the General Council which

seeks to appropriate any portion of the two-thirds of the revenue collected from the real estate in such ward, to the benefit of the city finances or to the wants of the other wards, instead of appropriating the same as now provided by law, for the benefit of the ward in which wanted; *Provided*, that the General Council shall make no levy on the unimproved real estate included in the boundaries of the city as town lots, until the City of Memphis shall extend the streets of said city through said real estate, and have graded and improved them so as to make said streets passable at all seasons of the year; and *provided, further*, that it is hereby made the duty of the Mayor of the City of Memphis, to veto any city ordinance of the city of Memphis, passed by the General Council, which seeks to divert from the limits of the Ninth and Tenth Wards of the City of Memphis, to any other wants of said city, two-thirds of the revenue collected from the real estate located within the limits of said Ninth and Tenth Wards, instead of expending the same within the limits of said wards; and his failure to do so shall be a misdemeanor in office, for which he may be indicted in any court having jurisdiction of the offense, and upon conviction, shall be fined in a sum of not less than five hundred dollars and removed from office.

Duty to veto.

Misdemeanor.

SEC. 13. *Be it further enacted*, That the boundaries of the City of Memphis shall be as follows: Beginning at a point on the west line of the State of Tennessee, where the center of Kerr street, produced, would strike the Mississippi River; thence eastward, on a line with the center of Kerr street, if extended, would strike the town Reserve; thence southward, along the said east line of the Town Reserve to the middle of the old Raleigh Road, on Johnson's Avenue; thence eastward, along the middle of the old Raleigh Road, to a point where the center line of Dunlap street, produced, northward, would intersect the same; thence southward along said produced line and the middle line of Dunlap street, to the middle of Union Avenue; thence westward, along the middle of Union Avenue to the middle of Walnut street; thence southward, along the middle of Walnut street, to the middle of the old Fort Pickering Railroad; thence westward, along the middle of the old Fort Pickering Railroad, or Broadway, to the middle of Bayou Gayoso; thence southward up said bayou, and along the middle of Jackson street; thence along the middle of Jackson street and the prolongation of said street, to the west line of the State of Tennessee; thence northward, with the west line of the State of Tennessee, to the beginning.

Boundaries of City.

Same.

**SEC. 14.** *Be it further enacted,* That the charter of the Knoxville Gas Light Company, granted by Act of March 1854, be, and the same is hereby revived, and shall continue in force for a period of fifty years from the passage of this Act. Knoxville Gas Light Company.

**SEC. 15.** *Be it further enacted,* That the stockholders of the Sycamore Manufacturing Company may increase their capital stock to three hundred thousand dollars, and may increase the number of their Directors to five. Sycamore Manufacturing Company.

**SEC. 16.** *Be it further enacted,* That section 30 of an Act passed March 8, 1867, chap. 53, be, and the same is hereby so amended, as to make J. M. Speer, John Dunn, B. B. Mason, Wylie Woodard, John E. Garner, John S. Hart, W. R. Saddler, James White, Amos Rose, G. W. Davis and William Moore, additional incorporators in the Robertson Manufacturing Company. Robertson Manufacturing Co.

**SEC. 17.** *Be it further enacted,* That so much of the Act passed the 2d of February, 1850, chap. 216, entitled "An Act to incorporate the Capitol Hill Fire Company No. 4, and for other purposes," as relates to the incorporation of the Murfreesboro and Woodbury Turnpike Company, being embraced in sections from 3 to 12, inclusive, of said Act, be, and the same is hereby amended, so that the eastern terminus of said road shall be at the western corporation line of Woodbury, instead of at the top of Stone's River Ridge, east of Woodbury; and that said turnpike company shall hereafter be allowed to collect the same rate of tolls hitherto collected at four gates, between Murfreesboro and Woodbury. Murf. and Woodbury Turnpike Co. Terminus, tolls, etc.

**SEC. 18.** *Be it further enacted,* That any failure which may have occurred to make an annual election of a Board of Directors, according to the provisions of section 8 of said Act, shall not in any manner, impair the rights of said turnpike company, or invalidate the acts of the acting Board of Directors. Failure to hold elections.

**SEC. 19.** *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,

*Speaker of the Senate.*

Passed March 2, 1870.

## CHAPTER CXVIII.

AN ACT Granting to the Town of Mason an Additional Justice of the Peace, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the incorporated town of Mason shall have a Magistrate in addition to the two now allowed in Civil District No. 9, in Tipton county, who shall live within the corporate limits of the town of Mason.

Dist. No. 9.

**SEC. 2.** *Be it further enacted,* That this additional Magistrate in the town of Mason, Civil District No. 9 shall have equal jurisdiction with the other Magistrates of the county.

**SEC. 3.** *Be it further enacted,* That the town of Smyrna, in the county of Rutherford, shall be allowed a Justice of the Peace in addition to the two now allowed the District in which said town is situated.

Smyrna.

**SEC. 4.** *Be it further enacted,* That the town of Cross Plains, in the County of Robertson, shall be allowed an additional Justice of the Peace, whose jurisdiction shall be concurrent with the other Justices of the Peace in said County of Robertson.

Cross Plains.

**SEC. 5.** *Be it further enacted,* That the town of Union Depot, Sullivan County, shall be entitled to an additional Justice of the Peace for said corporation.

Union Depot.

**SEC. 6.** *Be it further enacted,* That an additional Justice of the Peace shall be allowed to the town of Edgefield, in the 17th Civil District of Davidson County.

Edgefield.

**SEC. 7.** *Be it further enacted,* That the town of Decherd, in the County of Franklin, be allowed an additional Justice of the Peace for said corporation.

Decherd.

**SEC. 8.** *Be it further enacted,* That the Act entitled "An Act to amend the charter of the corporation of Edgefield, Davidson County," be amended as follows: That within thirty days after the passage of this Act, it shall be the duty of the Board of Mayor and Aldermen of the town of Edgefield, Davidson County, to lay off said town

To lay off in wards.



six wards, as near as possible, equal in population; of which said wards shall be entitled to two Aldermen, to be elected by the qualified voters of said wards, respectively, whose terms of office shall be the same as provided by law.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Commissioner of Registration, Sheriff, or other proper officer, to hold an election in each of the said wards <sup>Election.</sup> which there shall be vacancies occurring under the provisions of this Act, upon giving legal notice, and make return thereof.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

W. B. THOMAS,

*Speaker of the Senate.*

Passed March 3, 1870.

## CHAPTER CXIX.

AN ACT for the benefit of Michael Sullivan and Mark Parlan, of Montgomery County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the judgment had at the December Special Term of the Circuit Court, held at Clarks-<sup>Released from judgment.</sup> ville, Montgomery County, Tennessee, in the year 1869, against Michael Sullivan and Mark Parlan, on a forfeited recognizance for the sum of two thousand dollars, and in favor of the State of Tennessee, be, and the same is hereby released, and the said Sullivan and Parlan exempted from paying the same; *Provided however*, that nothing in this Act is to be so construed as to release or exempt them from the payment of all costs in said cause, inclusive of all fees, and all costs that may hereafter accrue in the dismissal of said suit.

W. O'N. PERKINS.

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 3, 1870.

## CHAPTER CXX.

## AN ACT to Incorporate the Tennessee and Kentucky Life Insurance Company.

**Corporators.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That D. N. Kennedy, W. A. Quarles, Wm. Daniel, Horace Lurton, S. Weaver, John F. House, Robert Ferguson and R. Y. Johnson, and all others who may hereafter be associated with them, are hereby constituted a body politic and corporate, under the name and style of the "Tennessee and Kentucky Life Insurance Company," and by that name shall sue and be sued; plead and be impleaded, in all courts of record and elsewhere; they may have and use a common seal, which they may alter, break or renew at pleasure.

**Business privileges.**

SEC. 2. *Be it further enacted,* That the principal office of the company shall be located at Clarksville.

**Business.** SEC. 3. *Be it further enacted,* That the business of the company shall be to make insurance upon the lives of individuals; to grant, purchase and dispose of annuities; to receive and invest trust-funds; and make insurance against accident.

**How managed, etc.** SEC. 4. *Be it further enacted,* That the corporate powers of the company, shall be vested in and exercised by a Board of Directors, not exceeding ten, and by such other officers and agents as the board may appoint; a majority of the Directors shall constitute a quorum for the transaction of business, and may determine the rates of insurance, and the amount that may be insured on any one life; also the sums to be paid for annuities and the extent to which annuities may be granted.

**First Directors.** SEC. 5. *Be it further enacted,* That the persons named in the first section of this Act, shall constitute the first Board of Directors, and shall hold their office until the first day of January, 1871, and until their successors are appointed; the Directors may increase their number, not however, beyond twelve; and all vacancies occurring may be filled by the remaining Directors, or by a majority of them.

**Annual election, etc.** SEC. 6. *Be it further enacted,* That the first election of Directors, shall be held on the first Monday in January, 1871, and annually thereafter; notice of the election shall be given by the President or Secretary, at least two weeks

in some newspaper in Clarksville; said election to be held at the office of the company; and in case of failure to elect on the day specified, this corporation shall not be deemed to be dissolved; but may hold an election at any future day after giving notice thereof.

SEC. 7. *Be it further enacted*, That stockholders shall be entitled to one vote for each share of stock held by them, and may vote in person or by proxy. Voting.

SEC. 8. *Be it further enacted*, That the Board of Directors, shall, after the organization of the company, and at the first meeting of the board after each annual election, elect from their number a President; and shall also elect an Actuary and such other officers as they may deem necessary; and shall hold their offices for one year, and until their successors are appointed; and in case of absence or inability of any of the officers, the Board of Directors may temporarily supply their places. President and other officers.

SEC. 9. *Be it further enacted*, That the capital of this company shall not be less than two hundred thousand (\$200,000) dollars, and not more than one million of dollars, as the Directors may determine; said stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable on the books of said company. Capital stock.

SEC. 10. *Be it further enacted*, That, in case any policy-holder or annuitant shall fail to pay any premium or sum due by him or her, to the company, or violate any condition of the policy of insurance, or contract made between the company and the assured, the Board of Directors may cancel the policy, and all premiums paid thereon shall be perfected to the company. Failure to pay premium.

SEC. 11. *Be it further enacted*, That the company may purchase for its own benefit, any policy of insurance or any other obligation of the company, growing out of its business, and also any claims of policy-holders. Policies.

SEC. 12. *Be it further enacted*, That it shall be lawful for any married woman, by herself and in her name, to cause to be insured, for her sole use and benefit, the life of her husband for any definite period, or for the term of his natural life, or against accident resulting in personal injury, causing him to be permanently or partially disabled or injured; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband, or any of his creditors; and in case of the death of the wife, before the decease of the Married women may insure, etc.

husband, the amount of the insurance becoming due and payable, as above, may be made payable after her death to her children, for their use, and to their guardians, if under age.

**Commissioners.** SEC. 13. *Be it further enacted,* That the Board of Directors or any three of them, may, at any time after the organization of the company, appoint one or more Commissioners to open books of subscription to the stock, by first giving not less than three days' notice in some newspaper in Clarksville; said books shall remain open until one hundred thousand dollars shall have been subscribed and ten per cent. thereof paid; the balance of the subscription shall be paid at such times and in such manner as the Directors may determine.

**May hold real estate.** SEC. 14. *Be it further enacted,* That this company may hold such real estate as may be necessary for the transaction of its business not exceeding fifty thousand dollars in value, except such as may be taken as security or in payment for debts or by investment in mortgages of profit, for the benefit of policy-holders, or to secure payment of stock subscribed by the stockholders or of money loaned to parties who may borrow the same from said company; and may sell and convey the same at pleasure.

**Liability.** SEC. 15. *Be it further enacted,* That stockholders shall not be liable for the debts of the company beyond the amount unpaid upon the stock held by them respectively; and no dividend shall be declared or paid to stockholders until the par value of their stock is paid in full.

**Banking.** SEC. 16. *Be it further enacted,* That nothing in this Act shall be construed so as to authorize the company to do a banking business or to issue any certificates to circulate as money.

**Taxes, etc.** SEC. 17. *Be it further enacted,* That this corporation shall have ninety-nine years' succession, and be liable to such taxes as are imposed on similar corporations in this State.

**Knoxville Mutual Life Ins. Co.** SEC. 18. *Be it further enacted,* That William Morrow, Charles M. McGhee and Samuel B. Luttrell, their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of the "Knoxville Mutual Life Insurance Company," under that name to sue and be sued, plead and be impleaded; to have succession for ninety-nine years; the capital stock not to be less than one hundred thousand dollars, nor more than one million of dollars, unless upon agreement by the company; to be subject to all the restrictions and penalties,

**Privileges, etc**

and entitled to all the benefits and privileges granted in the foregoing Act, chartering the Tennessee and Kentucky Life Insurance Company," and this Act to take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 3, 1870.

## CHAPTER CXXI.

AN ACT to Incorporate the Winters' Gap Mining and Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. A. Haskins, and his associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of the "Winters' Gap Mining and Manufacturing Company," and by that name, shall have succession for ninety-nine years; and shall be competent to sue and be sued, <sup>Rights and</sup> plead and be impleaded in law and in equity; to have and <sup>power.</sup> use a common seal, and to alter and change the same at will; to make and change any by-laws for the government of the company; to purchase, hold and dispose of such real estate, lease mines, mineral, iron, coal and personal property, as may be necessary for the legitimate transaction of their business; to mine, forge, smelt, roll, work, manufacture, refine and sell said minerals, coal, iron or other products thereof in the State; to issue such number of shares of the stock of said company, at the representative par value thereof, as may be indorsed by a vote of the company; to lay and construct railroads from their works to navigable rivers or railroads now constructed or to be constructed, and to make connections and turn-outs for their purposes, etc.: That the capital stock of said company, be—hundred thousand dollars, to be divided into <sup>Business, privileges.</sup> such shares as the company may determine, which may be increased or diminished as the company may determine; <sup>Capital Stock,</sup> hat said company shall have, enjoy and exercise all the

rights and privileges belonging to, and incident to corporations, except the right to issue notes or engage in the business of banking.

Separate interests.

SEC. 2. *Be it further enacted*, That when said company shall become possessed of mines or mineral lands, or leases iron, coal or other minerals situated in this State, separate and distinct interest of each mine, bed, field, vein, deposit or lease, may be created under some name to distinguish the same; and in like manner may organize under, and enjoy as a distinct branch, all the rights and privileges named in the first section of this Act.

Cooahulla Academy.

SEC. 3. *Be it further enacted*, That Wm. Taylor Esq., Wm. Johnston, J. A. Millon, B. L. Johnston, J. J. Millon, E. K. Good and J. B. Hunt, their associates and successors in office, for the period of thirty three years, are hereby constituted Trustees of a body politic and corporate, to be known by the name and style of "Cooahulla Academy," located in the 13th Civil District, Bradley County, Tennessee, with capacity to sue and be sued, plead and be impleaded, in any of the courts of law having jurisdiction.

Free School Fund.

SEC. 4. *Be it further enacted*, That the Trustees of said Academy shall have power to appoint one of their number to call upon and receive from the person or persons, as may by law be authorized to pay out the free school fund, the *pro rata* due to any such children as may be entitled to the same, and desire to have it expended for their benefit in said Academy.

Powers, etc.

SEC. 5. *Be it further enacted*, That they shall have all the rights, powers and immunities, and be subject to the same restrictions and liabilities, as granted to similar institutions of learning in the State.

Mech. and Lab'rs Corp., etc., Ass'n.

SEC. 6. *Be it further enacted*, That the names of J. P. Y. Whitfield, C. H. Jones, Henry French, G. W. Simpson, F. P. Gracey, C. M. Bearmont, G. C. Breed, D. W. Kennedy, W. P. Hume and P. W. Blackman, be added to the names of the corporators of the Mechanics' and Laborers' Corporative and Building Association of Clarksville.

Time ext'd

SEC. 7. *Be it further enacted*, That the corporators have the time extended six months, during which they may organize.

SEC. 8. *Be it further enacted*, That Joseph Marshall, Charles W. Watson, Smith Brown, Henry Prince and

John W. Smith, Trustees and Deacons of the Mount Zion Colored Baptist Church, at Nashville, Tennessee, and their successors in office, be, and they are hereby made a body corporate and politic, by the name and style of the "Mount Zion Colored Baptist Church of Nashville;" and by that name may sue and be sued, plead and be impleaded, and have and use a common seal, and have succession for fifty years; and said Trustees shall be elected annually by the members of said church. Mt. Zion  
Bap. Ch.  
Nashville  
Rights.

SEC. 9. *Be it further enacted*, That the corporation shall have power to receive, by gift, donation or purchase, and to hold, personal and mixed property; to sell or exchange or otherwise dispose of the same, as said Trustees and Deacons, by consent and advice of the church, in their judgment may think best to subserve the interest of said church. Powers and  
privileges

SEC. 10. *Be it further enacted*, That so much of the 21st section of the Act incorporating the City of Clarksville, as relates to the election of the City Marshal and Recorder by the people of said city, be, and the same is hereby repealed, that hereafter the said Recorder and Marshal of the City of Clarksville shall be elected by the Board of Mayor and Aldermen. Marshal  
Recorder  
Clarksville

SEC. 11. *Be it further enacted*, That John Nerman, Geo. H. Price, Henry McCall, W. W. Murray, B. F. Harrison, Joseph W. McCall, E. J. Kyle, Isaac J. Roach, J. T. Iron, E. Thomas, James Towns, A. T. M. Woolen and James M. Gilbert, are hereby incorporated, by the name and style of the "Huntingdon Masonic Mutual Aid Society;" and by that name shall have power to sue and be sued, plead and be impleaded, in all the courts of this State; and shall have succession for ninety-nine years; and shall have power to make all the necessary by-laws to carry the same into effect. Huntingdon  
Masonic  
Mutual Aid

SEC. 12. *Be it further enacted*, That the same shall be exempt from taxation.

SEC. 13. *Be it further enacted*, That J. H. Griffith, Wm. Taylor, J. R. Millon, J. N. Taylor, J. H. Howell, Z. T. Cardon, Charles Brown and A. Ragsdale, their associates and successors, be, and they are hereby created a body politic and corporate, by the name of the "Calliopean Society," for the purpose of diffusing moral and intellectual improvement, and cultivating a correct literary taste among its members, with power and authority to adopt such con- Calliopean  
Society.

stitution and by-laws as they may think proper for its government; *Provided*, the same do not conflict with the Constitution of the State or of the United States.

re and  
leges.  
SEC. 14. *Be it further enacted*, That the incorporators and their successors may sue and be sued, plead and be impleaded, in any of the courts having jurisdiction; make contracts; buy, hold and sell property, real and personal; and may exercise all the powers and privileges belonging to corporate bodies, for the purpose of carrying out the objects of the corporation.

phie  
her Com.  
SEC. 15. *Be it further enacted*, That B. F. Gross, R. F. Saunders, J. F. Bybe, D. B. Thomas, Neil Gross and their associates, or any three of them, and their successors, be, and they are hereby created a body corporate and politic, by the name and style of the "Memphis Leather Company," to be located at Memphis, Tennessee; and in that name may sue and be sued; may have and hold so much real estate and personal property as may be necessary for the use of the company.

ness pow-  
SEC. 16. *Be it further enacted*, That said company shall have the right to manufacture leather and all kinds of goods made, in whole or in part, from leather, with the right to buy and sell the same, and to deal or trade in all and every kind of materials necessary to the manufacture of said goods.

tal stock;  
SEC. 17. *Be it further enacted*, That the said company may have a capital stock not to exceed two hundred and fifty thousand dollars, and shall be divided in shares of one hundred dollars each; may have such a number of Directors, officers, agents, clerks and employes as they may desire, and elect them for such term or such time as they may choose.

aws, etc.  
SEC. 18. *Be it further enacted*, That said company may make such by-laws for their government as they may deem necessary, not inconsistent with the laws of this State and of the United States; and shall have succession for ninety-nine years.

r. River  
her Asso-  
on.  
SEC. 19. *Be it further enacted*, That Amos T. Hassell, J. C. Sparkman, Jonathan Morris, M. J. Sims, Thomas R. and G. B. and F. Hughes, and their associates and assigns, or any three of them, be, and they are hereby incorporated a body corporate and politic, by the name of the "Tennessee River Leather Association," to be located at Clifton, in Wayne County, State of Tennessee; and in that name may have all the powers and privileges, and be



subject to all the liabilities granted to the Memphis Leather Company by this Act.

SEC. 20. *Be it further enacted by the authority aforesaid,* That James Thomas, Virginia S. E. A. Thomas, Wm. H. Thomas, John C. Thomas, Elizabeth Morgan, James Johnson, Patrick Night, Michael J. Coleman and Wm. M. Moore, and their associates, be, and they are hereby constituted a body corporate and politic, by the name and style of the "United Roses of Christopher Columbus;" and by that name and style may sue and be sued, plead and be impleaded; and do all other things necessary and proper to carry out the objects of said association, not inconsistent with the Constitution of the United States and of this State; and that they have succession for ninety-nine years.

United Roses  
of Christopher  
Columbus.

SEC. 21. *Be it further enacted,* That said association may make such by-laws for their own government as they may deem right and proper; *Provided,* the same are not in conflict with the Constitution of the United States or of this State.

By-laws, etc.

SEC. 22. *Be it further enacted,* That, for carrying out the objects of said incorporation—that is, for the advancement of the cause of Temperance, Education and general morality—they may purchase, take and hold, all estates, real and personal, which may be necessary for the erection of halls for meeting, school houses, churches and orphan homes, which they may deem necessary and proper; and in the event they establish a college in connection with their association, they have power to confer all degrees now authorized by law to be conferred by colleges and universities.

Purposes and  
privileges.

SEC. 23. *Be it further enacted,* That they may charter subordinate associations, with such powers as they deem necessary for carrying out the general objects of the association, as specified in the foregoing section of this Act, and which are not inconsistent with the general laws of the land and of this charter.

Charters.

SEC. 24. *Be it further enacted,* That this Act shall take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 3, 1870.

## CHAPTER CXXII.

AN ACT to Incorporate the Firemen's Insurance Company of Memphis.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Joseph D. Williams, H. Furstheim, W. R. Cunningham, Thomas B. Tuggle, P. S. Jones, J. T. Ferguson, and H. E. Jackson, and their associates and successors, be, and they are hereby incorporated and made a body politic and corporate, for the term of thirty years, by the name and style of the "Firemen's Insurance Company of Memphis;" and in this name may sue and be sued, plead and be impleaded, have and use a corporate seal; and shall have and possess all the powers, privileges and immunities, and subject to all the pains, penalties and forfeitures contained in An Act to incorporate the National Insurance Company, passed November 17, 1865.

**SEC. 2.** *Be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, which may be increased to five hundred thousand dollars, or any amount not to exceed that sum; if a majority of the stockholders shall deem it expedient, the capital to be divided into shares of one hundred dollars each.

**SEC. 3.** *Be it further enacted,* That the Legislature reserves the right to alter or amend said charter whenever, in their wisdom, they deem it necessary for the public good.

**SEC. 4.** *Be it further enacted,* That J. H. Hardie, W. J. Colburn, J. P. McMilien, John W. Brown, H. H. Knox, and A. C. Burns, their associates, successors and assigns, be, and they are hereby constituted and incorporated a body corporate and politic, under the name and style of the "Mountain City Fire and Marine Insurance Company of the City of Chattanooga, Tennessee;" and shall have all the rights, privileges and immunities granted to the Firemen's Insurance Company of Memphis, by this Act, and subject to similar liabilities and restrictions.

**SEC. 5.** *Be it further enacted,* That William McTeer and Kate Lowe, of the City of Baltimore, M. D.; W. B. Ramsey, Jackson B. White, Francis M. Paul, A. J.

**Morris** of Nashville, Tennessee; and **Albert Lea**, of **Fulton**, Tennessee, be, and they are hereby created a body corporate and politic, under the name and style of the "**Tennessee Reed and Fibre Manufacturing Company**," to have succession for the period of ninety-nine years; and as such corporation, shall have power to sue and be sued, plead and be impleaded; to buy, hold, alien, sell and dispose of any personal or real estate, machinery and material, or manufactured articles produced in the prosecution of the business for which this corporation is created; they shall have and use a common seal, which they may alter at pleasure; they may, under seal or not under seal, make such contracts as in their judgment, may benefit said company; execute promissory notes, bonds and other obligations; and have all the powers, immunities and privileges incident to corporations. Powers and privileges.

**SEC. 7.** *Be it further enacted*, That, WHEREAS, certain letters patent have been granted unto the said **William McTeer** and **Kate Lowe**, and their assigns by the United States, described as follows, viz: Numbers 36 29, and dated August 31, 1869; and certain other letters patent, issued to **Henry Lowe**, described as follows, viz: Number 20,355, dated May 25, 1858; numbered 20,884, dated July 13, 1858; numbered 23,099, dated March 1, 1859; number 1,519, whole number 32,523, dated June 11, 1861; number 20,088, whole number 33,092, dated August 20, 1861; number 2,949, whole number 33,953, dated December 17, 1861; and in said letters patent are granted the privilege of using, selling, &c., certain new inventions in the manufacture of paper, twine and other textile fabrics from reeds, sugar-cane, corn-stalks and other fibrous substances, and certain other inventions in the use, reclaiming and manufacture of caustic soda, used in said manufacture, for a more specific description of which inventions and privileges reference is here made to said letters patent. Now, when the legal right and interest in said letters patent shall have been transferred by the legal owners thereof, to said **Tennessee Reed and Fiber Manufacturing Company**, then said company shall have power to engage in the manufacture, in all its branches, under said letters patent, of all kinds of paper, fiber, pulp, twine, rope, bagging, cloth, or other fibrous or textile fabrics, from reed, cane, or other fibrous substances, and may employ in said manufacture, under said letters patent, said improved mode of preparing the pulp in the manufacture of paper, and said improved mode of reclaiming the caustic soda, used in the process; and also the said improved mode of manufacturing caustic soda; and as soon as said Letters Patent. Privileges granted. Transfer of right.

Lawful owners.

corporation shall become the lawful owners of said letters patent, and the rights therein conferred, to purchase and use which, as well as all other patent rights which it may deem expedient to use in the prosecution of its business, power is hereby conferred, then all the property in said patent rights shall vest in said corporation, and all the privileges, rights, and immunities thereby conferred by the United States, are hereby conferred by the State of Tennessee, to be owned, possessed, used and enjoyed by said manufacturing company during and until the end of its corporate existence, unless it shall sooner sell and dispose of the same, which it shall have power to do; said company shall have power to establish its principal manufactory at any point in this State, and establish branches for the carrying on of any department of its business, or sale of its products, at any point or points in the State.

Rights and privileges.

Capital stock.

SEC. 7. *Be it further enacted*, That the capital stock for the principal establishment and for each one of its branches, shall be ten thousand dollars, with the privilege of increasing it to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and in all meetings of the stockholders, each share shall have one vote. Said company shall not commence business until fifty percent. of the capital stock shall have been paid in, either in money or property; said company shall have the power to compel the payment by any owner or holder of any stock, of any sum or sums due for or on account of the same, to said company, or of any assessments made upon said stock for the purpose of carrying on the business of the company, by selling and disposing of said stock to pay any balance due, or by declaring such forfeited to the company; *Provided*, that nothing in this section shall be construed to authorize the company to make any assessment upon or declare their forfeiture of any stock sold by the company as full paid up stock.

Payments.

Liability.

SEC. 8. *Be it further enacted*, That all the private property of each stockholder shall be held liable for the debts and liabilities of the corporation, to the amount of his or their subscription remaining unpaid.

Directors and other officers.

SEC. 9. *Be it further enacted*, That the stockholders may elect a Board of Directors, the number thereof to be determined by themselves; create all officers deemed necessary, and prescribe their compensation and term of office; and make all by-laws, rules and regulations for the government of the company or the management of its business, as they may deem proper, not inconsistent with the Constitution of the United States, or the Constitution and Laws of the State of Tennessee.

**SEC. 10.** *Be it further enacted,* That said company shall have succession and continue in existence for the period of ninety-nine years; and this Act to take effect from and after its passage. Succession.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 3, 1870.

## CHAPTER CXXIII.

AN ACT to Incorporate the Mechanics' Bank of Memphis.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That James Philan, Philip Tuggle, William R. Cunningham, Howell E. Jackson, W. R. Moore, J. E. Merriman and Joseph D. Williams, and their associates and successors, be and they are hereby incorporated for the term of thirty-three years, and made a body politic and corporate, by the name and style of the "Mechanics' Bank of Memphis;" and in this name may sue and be sued, plead and be impleaded; have and use a corporate seal, and shall have and possess all the powers, privileges and immunities, and subject to all the pains, penalties and forfeitures contained in An Act to incorporate the Bluff City Savings Institution of Memphis, passed on the 24th of May, 1866. Corporators.

**SEC. 2.** *Be it further enacted,* That said corporation shall be subject to the same taxes, pains, penalties and forfeitures, that are now or may hereafter be imposed on corporations of a similar character; and the right to alter or amend said charter is expressly reserved. Taxes, etc.

**SEC. 3.** *Be it further enacted,* That R. G. Jamison, Mike Vaughn, Geo. Searight, W. G. Elliott, Hiram Vaughn, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, under the name and style of the "Bank of the Commonwealth," to be located at the City of Nashville, Bank of Commonwealth.

with all the powers and privileges, and subject to all of the restrictions of the Mechanics' Bank of Memphis, hereby incorporated.

SEC. 4. *Be it further enacted*, That Thos. Webster, S. B. Lowe, Harry Brazier, J. H. Warner, and R. M. Hooke, their associates, successors and assigns, be and they are hereby incorporated a body corporate and politic, under the name and style of the "Iron Bank of Chattanooga," with all the rights, powers, privileges, franchises and immunities granted by this Act to the Mechanics' Bank of Memphis, and subject to similar liabilities and restrictions.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed March 3, 1870.

## CHAPTER CXXIV.

AN ACT to Incorporate the Memphis Appeal Publishing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. R. Hunt, Samuel Mosby, Amos Woodruff, Wm. A. Bickford, John T. Swayne and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of the "Appeal Publishing Company," having succession for twenty years; and by that name they are made capable in law and equity, to sue and be sued, defend and be defended in any court of law and equity in this State; to have and use a common seal; and are hereby vested with the powers of a corporate body necessary to the purchase of materials for and carrying on the business of publishing newspapers, books, maps, pamphlets, and whatever may be necessary and proper for the diffusion of knowledge; and the said Appeal Publishing Company is empowered to hold and purchase or receive by gift, grant, or otherwise, any personal, real and mixed estate, for the

Iron Bank of  
Chattanooga.

Corporators.

Powers and  
privileges.

ssary prosecution of their business; and to convey same in such manner as they may deem expedient.

SEC. 2. *Be it further enacted*, That the capital stock of association shall consist of twenty thousand dollars, Capital stock. may be increased by the Board of Directors as necessary—and such capital stock being divided into shares of dollars each; and when one hundred shares shall have been subscribed and the sum of eight dollars per share paid thereon, the stockholders may meet and elect Directors, who shall enter on their duties; and shall elect one of their number to be President, to act during Meeting, or-  
ganization, etc his term of office, which shall be for one year and until his successors may be elected and qualified; and a majority of said Board shall form a quorum for business, and shall have power to make all by-laws, proper and necessary for the government of the company; and may appoint all agents, officers, editors and employes, and fix their compensation; and in all respects control the same and prescribe the manner of paying in the stock.

SEC. 3. *Be it further enacted*, That, at the meetings of the stockholders, each stockholder shall be entitled to cast one vote for each share he may own, and subject to Voting. such regulations as the by-laws may impose, not inconsistent with the laws of this State. No person shall be a director who shall own less than two shares of stock, nor who shall be in arrears for any portion of the stock he may have subscribed or may own. Vacancies in the Vacancies, etc Board of Directors by death, resignation or otherwise, may be filled by the Board; or in the absence of a quorum, by a meeting of the stockholders.

SEC. 4. *Be it further enacted*, That the Board of Directors may open and close subscriptions for capital stock, Subscriptions in such manner and under such restrictions as they may deem proper; and for non-payment of stock, may declare the subscriptions and payments made thereon forfeited to the said company.

SEC. 5. *Be it further enacted*, That, for the purpose of carrying on the business of said company, the said Board, or any agent or agents empowered by the same, may negotiate a loan or loans, to the amount of their capital stock; May negotiate  
loans, give  
bonds, etc. and may pledge the credit and estate of the company for the payment thereof; and may execute promissory notes, bonds and vouchers, in the discretion of said Board, and do all things usually incident to corporations, to promote the interest of the company; *Provided*, no stockholder shall be liable to a greater amount than the stock he may hold or subscribe.

Union and  
American  
Publishing  
Company.

SEC. 6. *Be it further enacted*, That J. O. Griffin, Jno. C. Burch, Ira P. Jones, John M. McKee, James Bell, their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of the "Union and American Publishing Company" with the same powers, privileges, rights and immunities as hereinbefore conferred upon the Appeal Publishing Company.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Passed March 3, 1870.

## CHAPTER CXXV.

AN ACT to Enable the Cincinnati, Cumberland Gap and Charleston Railroad Company to Complete their Road to Paint Rock, and for other purposes.

May lease  
road from  
Morristown to  
Paint Rock.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Cincinnati, Cumberland Gap and Charleston Railroad Company, be, and is hereby authorized and empowered, by and with the consent of a majority of the Directors of said company, to lease that portion of said railroad from Morristown, Tennessee, to the Paint Rock at the North Carolina line, to any individual or company or to any other railroad company or companies, or other corporate body, together with all the rolling stock, engines, cars, machine shops and machinery, depot, and all other fixtures and equipments of every kind belonging to said railroad company for the term of six years from and after the passage of this Act, upon the terms and conditions herein declared.

Conditions to  
be complied  
with.

SEC. 2. *Be it further enacted*, That no lease shall be made as provided in the 1st section of this Act to any individual, or to any other railroad company or companies or corporations whatever, except upon the express conditions, that the parties, company, railroad company, or



corporate body to whom said railroad shall or may be leased, shall undertake and agree to complete at their cost and expense, that portion of said railroad from Creek, the present terminus of said road, to the North line, at the Paint Rock, a distance of about four

3. *Be it further enacted*, That the Cincinnati, Cumberland Gap and Charleston Railroad Company, upon entering into a contract for the lease of said road as hereinafter provided, which shall be satisfactory to a majority of the board of Directors of said company, and in writing furnishing satisfactory security for the faithful execution of said contract, and the completion of the unfinished part of said road as herein provided, within one year or for a longer period, provided the same be sufficient time to raise themselves out of the earnings of said road for the expense thus incurred from the passage of this Act, is hereby authorized and empowered to turn over said road, with all its fixtures, rolling stock and machinery of every kind to the parties, companies or corporation so leasing said road.

To turn over  
property, etc.,  
to lease.

4. *Be it further enacted*, That any person or persons, companies or corporations who shall lease and complete said railroad as herein provided shall be entitled to the net earnings of said road for the period of six years from the passage of this Act, free from any claims, interest or demand whatever, on the part of the State of Tennessee, unless the cost of completing said road shall be paid to such persons, companies or corporations out of the earnings of the road in a shorter period; *Provided*, that the Cincinnati, Cumberland Gap and Charleston Railroad Company, or the State of Tennessee, by repaying the persons or persons, companies or corporations, the balance due for such expenditures, may terminate said lease at any time; and resume all the rights, powers and authority over said railroad, and all its fixtures that either of them now have by the existing laws of the State of Tennessee; *Provided further*, that said railroad when so finished and completed at the expiration of the term of six years from the passage of this Act, shall revert to the Cincinnati, Cumberland Gap and Charleston Railroad Company, free from all claims in favor of the parties or companies so completing the same; subject to all the rights, powers and claims that the State of Tennessee now has or may hereafter have against said railroad company.

Earnings, etc.

Provided.

May lease  
from Morris-  
town to Cum-  
ber. Gap, etc.

May consoli-  
date, etc.

Conflict of  
laws.

State lien.

Valuers of  
work.

SEC. 5. *Be it further enacted*, That the Cincinnati, Cumberland Gap and Charleston Railroad Company, hereby authorized and empowered to lease to any company, association, or corporation, that part of said road unfinished from Cumberland Gap to Morristown, on the terms as said railroad company by the consent of its stockholders and Directors may agree to; and the said railroad company are further authorized and empowered to lease or mortgage said road, from Cumberland Gap to Paint Rock, or any part thereof, to any individual, association, company or corporation, who will undertake to complete the same, and who will assume and pay the debt to the State of Tennessee, for loans made to said company and said C., C. G. and C. Railroad Company are further authorized and empowered to consolidate said railroad its whole length from Cumberland Gap to Paint Rock, or that part from Morristown to Paint Rock, or that part from Cumberland Gap to Morristown, or any less part of said road with any other railroad company, or railroad line, upon such terms as may be agreed upon by the parties to such contract; *Provided*, that the loans made by the State of Tennessee to said railroad company are secured and paid.

SEC. 6. *Be it further enacted*, That nothing in this Act shall be so construed as to interfere with any general law that may be passed by the General Assembly of the State of Tennessee; providing for the sale of delinquent railroads.

SEC. 7. *Be it further enacted*, That nothing in this Act shall be so construed as to affect the lien of the State of Tennessee, on the road, stock and fixtures belonging to said railroad company, except as herein provided.

SEC. 8. *Be it further enacted*, That when the C., C. G. and C. Railroad is completed to the North Carolina line, by any person, company or corporation, as provided in the 1st and 2d section, of this Act; then such person, company or corporation, shall appoint one competent engineer; and the C., C. G. and C. R. R. Company shall appoint another, whose duty it shall be to value the work so done; and report the same to their respective boards; and in case they fail to agree as to the value of said work, then they shall choose a third engineer, who shall act as umpire, and their decision shall be final as to value of work.

SEC. 9. *Be it further enacted*, That the said C., C. G. and C. R. R., reserves the right to fix the tariff of rates, and C. R. R., reserves the right to fix the tariff of rates.

freights to pass over said road so disposed of as provided in the 1st and 2d sections in this Act; but such tariff of freights shall not be higher than on other roads in this State; and that this Act take effect from and after its passage.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Passed March 4, 1870.



# RESOLUTIONS.

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## NUMBER I.

HOUSE JOINT RESOLUTION Informing the Governor that both Branches of the Legislature are fully Organized and ready to Receive Communications from him.

*Resolved*, That a committee of three on the part of the House, and two on the part of the Senate, be appointed to wait upon His Excellency, D. W. C. Senter, Governor of Tennessee, and inform him that both branches of the Legislature are fully organized and ready to proceed to the transaction of business, and would be pleased to hear any communications he may have to communicate.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted October 7, 1869.

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## NUMBER II.

JOINT RESOLUTION to Meet in Convention and Count votes for Governor.

*Resolved by the General Assembly of the State of Tennessee*, That the Senators meet the Representatives in the Hall of the House of Representatives, on Monday, the

11th day of October, 1869, at 11 o'clock, A. M., for the purpose of counting the votes, and installing the Governor elect.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted October 7, 1869.

### NUMBER III.

JOINT RESOLUTION, Directing the Comptroller to issue his warrant upon the Treasurer, for the *per diem* and Mileage of the Members and Officers of the General Assembly, as the same becomes due.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller be, and is hereby directed to issue his warrant upon the Treasurer for the mileage and *per diem*, as it becomes due, to each of the members and officers, when applied for; and that the same be included in the General Appropriation Bill.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted October 13, 1869.

### NUMBER IV.

HOUSE JOINT RESOLUTION to Elect a United States Senator.

WHEREAS, It is provided in the Constitution of the United States, article 1, section 4, that the times, places, and manner of holding elections for Senators and Repre-

representatives in the Congress of the United States, shall be prescribed in each State, by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators; and

*Whereas*, The Congress of the United States, in pursuance of said constitutional provision, did, on the 25th day of July, 1866, enact: That the Legislature of each State which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent said State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress, in the place of such Senator going out of office; and

*Whereas*, The time for which Hon. Joseph S. Fowler was elected to represent the State of Tennessee, as a Senator in the Congress of the United States, expires on the 4th day of March, 1871; and

*Whereas*, The present General Assembly was organized the 6th day of October, 1869,

*Be it therefore resolved*, That, on Tuesday, the 19th day of October, 1869, this House, in pursuance of said Act of Congress, will, "openly, by a *viva voce* vote of each member present, name one person for Senator in Congress," from this State, and whose term of office shall commence on the 4th day of March, 1871, and expire on the 4th day of March, 1877.

*Be it further resolved*, That, on Wednesday, the 20th day of October, 1869, "at twelve o'clock, meridian," the members of this House will convene with the Senate, in joint assembly, in this Hall, for the purpose of comparing the vote cast for Senator in each House, on the day preceding; but if the same person shall not have received a majority of the votes in each House, or, if either House shall have failed to take proceedings as required by said Act of Congress, the Joint Assembly shall meet, at twelve o'clock, meridian, on each succeeding day during the session of the Legislature, and take at least one vote, until a Senator, as aforesaid, shall be elected.

*Be it further resolved*, That these resolutions be transmitted to the Senate, for its concurrence.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate*

Adopted October 13, 1869.

## NUMBER V.

## HOUSE JOINT RESOLUTION to Inquire into the Salaries of State Officers.

*Resolved*, That a Joint Committee, composed of one member of the Senate, and two members of this House, be appointed to examine into the salaries of the officers of the State, before their election by the General Assembly; and that the said committee make such report and suggestions as may seem advisable; and that this resolution be transmitted to the Senate for its concurrence therein.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted October 20, 1869.

## NUMBER VI.

## JOINT RESOLUTION Providing for the Election of a Public Printer.

WHEREAS, The Code of Tennessee provides, that "A Public Printer shall be appointed at each session of the General Assembly, by joint ballot of both Houses;" and further, that "the Public Printer shall hold his office for two years and no longer," which provisions of the Code have not been repealed or modified; and

*Whereas*, On the 2nd day of May, 1865, a Public Printer was elected for two years then ensuing; and on the 20th of February, 1867, a Public Printer was elected for two years succeeding the term of the (then) present incumbent, or until May 2, 1869; and on the 16th of November, 1868, a Public Printer was elected for two years from the expiration of the term of the (then) present incumbent, or till May 2, 1871; and

*Whereas*, These several elections have assumed to pro-



vide a Public Printer for this General Assembly contrary to law and established usage; Therefore,

*Resolved by General Assembly of the State of Tennessee,* That it is the sense of this General Assembly, that no previous election assuming to provide a Printer for this stated session, is valid or binding; and that the two Houses meet in convention in the Hall of this House, on the 25th day of October, 1869, for the purpose of appointing a Public Printer according to law.

*Resolved further,* That until a Public Printer is elected, the Principal Clerks of the two Houses, shall make arrangements to have such printing done as may be ordered by this General Assembly, on as reasonable terms as can be had; *Provided,* That the rates shall not be higher than those at present allowed by law.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted October 25th, 1869.

## NUMBER VII.

**JOINT RESOLUTION** In reference to the South-Western Railroad.

*Whereas,* It has been suggested to the General Assembly of the State of Tennessee, that gross mismanagement has occurred in the disposal of the large sums of money heretofore appropriated to the construction of the South Western Railroad, and which should be investigated; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That a Joint Committee be appointed, composed of two on the part of the Senate, and three on the part of the House, to investigate as to the truth of the charges so made, in regard to the disposition made of said appropriation by the officers of said company, as well as by the Receivers having charge of said road, with power to send for persons and papers; and that they report by bill or otherwise.

*Be it further resolved,* That the same committee be clothed with the same power; shall investigate the management of the McMinville and Manchester Railroad under its several Receivers, and report by bill or otherwise.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted October 27, 1869.

## NUMBER VIII.

JOINT RESOLUTION in Reference to the Winchester and Alabama Railroad.

WHEREAS, It has been suggested to the General Assembly of the State of Tennessee, that gross mismanagement has occurred in the disposal of the large sums of money heretofore appropriated to the construction of the Winchester and Alabama Railroad, and which should be investigated; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That a Joint Committee be appointed, composed of two on the part of the Senate, and three on the part of the House, to investigate as to the truth of the charges so made, in regard to the disposition made of said appropriation by the officers of said company, as well as the Receivers having charge of said road, with power to send for persons and papers; and that they report by bill or otherwise.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted October 27, 1869.

## NUMBER IX.

**JOINT RESOLUTION** Authorising the Governor to employ Counsel.

**WHEREAS**, There is now pending in the Circuit Court of the United States, at Nashville, a litigation commenced by the United States against the Nashville and Chattanooga Railroad, and the Nashville and North-western Railroad, seeking to have said railroads placed in the hands of Receivers, and have their earnings applied in payment of an alleged indebtedness of said roads to the United States; and,

**WHEREAS**, The State of Tennessee has a large interest in said railroads, which will be greatly impaired if said application for Receivers is successful; Now, therefore,

*Be it resolved by the General Assembly of the State of Tennessee*, That the Governor of the State be authorized and required to at once employ counsel learned in the law, to attend to the interest of the State in said litigation.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted October 29, 1869.

## NUMBER X.

**JOINT RESOLUTION** in Regard to the School Fund Notes, Bonds, etc., in the hands of S. W. Hatchett, former Comptroller.

*Resolved*, That the Comptroller of the State, be, and is hereby authorized and empowered to receive from S. W. Hatchett, the notes, bonds, coupons and other papers in his possession, belonging to the School Fund; and he shall receipt for and hold the same subject to the further orders of the General Assembly; and that this resolution

be transmitted to the Senate for its concurrence therein; *Provided*, said release shall not operate as a release of said S. W. Hatchett from any liability or responsibility for failure on his part to perform his duty.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 3, 1869.

## NUMBER XI.

### RESOLUTION to Preserve the Credit of the State.

WHEREAS, Previous legislation on the part of those who have heretofore controlled the State government, in pledging the public faith by the issuance of State bonds, has tended greatly to impair the public credit and impart distrust to the minds of many as to the ultimate payment of our public debt; and,

WHEREAS, A people who, in their history, have shown scrupulous fidelity, commercially and otherwise, to private obligations, must consider justice to all public creditors as essential to the honor and dignity of the State; Therefore,

*Resolved by the General Assembly of the State of Tennessee*, That the people of Tennessee will never signalize their restoration to the control of public affairs by sanctioning in any manner, indifference to public obligations.

*Resolved*, That expediency, together with the honor and good faith of the State, demand that the interest on the public debt be paid at the earliest practicable moment, and its principal securely provided for at maturity; and to these ends, under a careful retrenchment and rigid economy in all other respects, the entire available revenue and resources of the State should be faithfully applied, as they are in honor pledged; *Provided, always*, that this resolution

shall not be construed as a pledge or promise on the part of the State Government to pay any of said debts, unless there exists a legal or equitable obligation so to do.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted November 4, 1869.

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## NUMBER XII.

JOINT RESOLUTION to Elect State Librarian.

*Be it resolved,* That the House of Representatives and the Senate meet in Convention on Wednesday the 17th day of November, 1869, for the purpose of electing a State Librarian.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted November 8, 1869.

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## NUMBER XIII.

RESOLUTION Authorizing the Judiciary Committee to Hold Joint Meetings.

*Be it resolved by the General Assembly of the State of Tennessee,* That the Judiciary Committee of the House of Representatives and the Judiciary Committee of the Sen-

ate, be, and they are hereby authorized to hold Joint Sessions; and to have conferences with each other at such time or times, and upon such subjects as the Chairman of either of said Committees may suggest or direct.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 9, 1869.

## NUMBER XIV.

**JOINT RESOLUTION to Investigate the \$300,000 of Bonds Issued to the Edgefield and Kentucky, and Evansville, Henderson and Nashville Railroad Companies.**

**WHEREAS**, The General Assembly of the State of Tennessee, in An Act passed December 7, 1867, chapter 17, section 12, authorized and directed the Governor to issue to the Edgefield and Kentucky Railroad Company, three hundred thousand dollars in the bonds of the State; bearing six per cent. interest, to be used and applied to (the erection) of a depot in Nashville; to the purchase of machinery, rolling stock and repairs, and for the construction of the extension of said road to the coal mines, under the charter of the Evansville, Henderson and Nashville Railroad Company; and

*Whereas*, In consideration, and as an inducement to the issuance of said bonds, the said Evansville, Henderson and Nashville Railroad Company, was to execute its bond and obligation to the State of Tennessee, binding said company to pay the principal and interest of the amount of bonds issued in the construction of said Evansville, Henderson and Nashville Railroad; and

*Whereas*, That in addition to the execution of said bond, the said Evansville, Henderson and Nashville Railroad Company, was to issue to the State of Tennessee, and deposit with the Governor the stock of said company to the amount of the bonds so used in constructing said road; and

*Whereas*, The said Act provides that, upon the execution of said bond and obligation and the issuance and deposit of said stock the Governor shall issue and deliver the bonds of the State to the Receiver, or such person as the Governor may appoint on his executing bond, with security to be approved by the Governor conditioned for the faithful and honest application and accounting for said bonds; and

*Whereas*, It has been suggested that said matters require investigation,

*Be it therefore resolved*, That a Joint Special Committee of three members of the House, and two members of the Senate, be appointed to investigate the matters of said three hundred thousand dollars of bonds, together with all things in any wise incident or appertaining thereto; and shall make such report and suggestions to the General Assembly as may seem advisable; and full power and authority is vested in said committee to send for persons, books and papers, and to administer oaths.

*Be it further resolved*, That this resolution be transmitted to the Senate for its concurrence therein.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 9, 1869.

## NUMBER XV.

JOINT RESOLUTION in Honor of the Memory of George Peabody.

WHEREAS, We have received, with deep regret, the melancholy tidings of the death of George Peabody, whose life has been distinguished by an ardent philanthropy, manifesting itself in numerous acts of the most disinterested and munificent charity, and endearing his name to the heart of his adopted as well as of his native country; Therefore,

*Resolved by the General Assembly of the State of Tennessee*, That, in the death of this distinguished American,

we deplore the loss of a benefactor of our race, whose memory deserves to be held in perpetual and grateful reverence—not alone by those who have been the recipients of his charities—but by all mankind who have been blessed by his example.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 10, 1869.

## NUMBER XVI.

**JOINT RESOLUTION** in Regard to the Memphis, El Paso and Pacific Railroad.

**WHEREAS**, The construction of a railroad through the Southern States to connect with the Pacific Ocean, is an enterprise of the highest importance—not only to the section immediately interested—but to the whole country; and,

**WHEREAS**, The completion of such a route would tend greatly to strengthen the bonds of the National Union, by bringing into close communion and fellowship, remote sections now separated by wide limits; and,

**WHEREAS**, The Memphis, El Paso and Pacific Road, already surveyed and partially completed, commends itself to our approbation, and challenges public support as the great western section of such a route; Therefore,

*Resolved by the General Assembly of the State of Tennessee*, That that enterprise meets our hearty approval; and we are earnestly desirous of its speedy completion.

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use all proper exertions to procure appropriations by that body in such form as may be deemed most expedient in aid of said road.

*Resolved*, That a copy of the above preamble and resolutions be forwarded by the Governor to each of our Senators and Representatives.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 10, 1869.



## NUMBER XVII.

**RESOLUTION** of Inquiry to the Comptroller in Reference to Railroads and Railroad Receivers.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be requested to furnish—at his earliest convenience for the information of the Legislature—the number of Railroads in this State now in the hands of Receivers, when appointed, by whom, whether they have executed bonds as required by law; also, as to the solvency of said Receivers and their securities, whether they have made their quarterly reports and settlements as required by law, and the amount of money either of them has paid into the Treasury of the State.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted November 11, 1869.

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## NUMBER XVIII.

**JOINT RESOLUTION** to Take into Consideration the Memorial of John Baxter.

*Resolved by the General Assembly of the State of Tennessee,* That a Joint Committee, consisting of three on the part of the Senate, and three on the part of the House, be appointed to take into consideration the memorial of John Baxter, in regard to the official conduct of J. A. Mabry, as President and Receiver of the Knoxville and Kentucky Railroad, with power to send for persons and papers; and report by bill or otherwise.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted November 11, 1869.

## NUMBER XIX.

**JOINT RESOLUTION** to Appoint a Committee to Investigate the School Fund Frauds.

*Resolved*, That a Joint Select Committee of two on the part of the Senate, and three on the part of the House, be appointed to investigate the School Fund Frauds; and that they be clothed with power to send for persons and papers, and administer oaths.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Adopted November 12, 1869.

## NUMBER XX.

**JOINT RESOLUTION** in Reference to the Distribution of the Acts and Journals.

*Be it resolved by the General Assembly of the State of Tennessee*, That there shall be printed of the Acts of the present session of the Legislature, for distribution amongst the several counties of the State, as follows:

For every Justice of the Peace, one copy; for each Sheriff, one copy; for each Circuit Court Clerk, one copy; for each County Court Clerk, one copy; for each Chancery Court Clerk, one copy; for each County Trustee, one copy; for each County Register, Coroner, Entry Taker, Surveyor, Tax Collector and Poor House Commissioner, one copy; for the use of Trustees of the Academies and Colleges in each county, one copy. One copy of the Acts and Journals for each of the members of the present Legislature, and two copies of the Journals for each county of the

State, and one hundred copies of each of the Acts and Journals for the State Library.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Adopted November 16, 1869.

## NUMBER XXI.

HOUSE JOINT RESOLUTION to Investigate the Financial Condition of the State.

WHEREAS, In order to relieve the State from its financial embarrassments, and to provide the means for the liquidation of its obligations, it is necessary that this General Assembly should be well informed as to the precise nature and amount of the indebtedness of the State; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That a Joint Committee of five, consisting of two members from the Senate, and three from the House of Representatives, be appointed to investigate and report upon the following points, viz:

1st. To report the total amount of the alleged indebtedness of the State.

2d. The amount now due, or upon which the State has to pay interest incurred, in strict accordance with the letter of the law and Constitution.

3d. The amount of bonds issued by the State for the benefit of railroads, or other purposes; the amount paid on the dollar by the purchaser thereof; and the amount of interest paid bond-holders since purchase of said bonds.

*Be it further resolved,* That said committee shall have power to send for books, papers and persons, when necessary to carry out the objects of this resolution.

*Resolved,* That said Joint Committee be authorized to hold its sessions during the recess of this General Assembly.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Adopted November 23, 1869.

## NUMBER XXII.

HOUSE JOINT RESOLUTION Directory to the Comptroller.

*Resolved by the General Assembly, That the Comptroller of this State, be, and he is hereby instructed not to issue his warrant for services said to be rendered in the capacity of Railroad Receiver, to any such Receiver on any of the delinquent railroads in this State, until investigated and reported upon by a Joint Committee of each House.*

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 25, 1869.

## NUMBER XXIII.

HOUSE JOINT RESOLUTION Appointing a Committee to settle with the Quartermaster-General of the State.

WHEREAS, The Quartermaster-General of the State, Col. A. S. Bayliss, still retains his position for the want of proper authority to make final settlement and relieve him of the responsibility of his office; and the same coming under Legislative jurisdiction; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee, That a Committee of two on the part of the House and one upon the part of the Senate, be appointed to examine the books and vouchers pertaining to said office, and settle with said Quartermaster-General, in order to relieve him of his responsibilities; and report the result of their action.*

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 25, 1869.

## NUMBER XXIV.

HOUSE JOINT RESOLUTION in Reference to the Report of the  
Superintendant of Public Instruction.

WHEREAS, Numerous copies of the "First Report of the Superintendent of Public Instruction for the State of Tennessee, October 1869," being a book of 361 pages, including the Report and Appendix, have been laid upon the desks of the members of this General Assembly; and

WHEREAS, It appears that an extraordinary number of copies of said book have been published, and that the Comptroller of the Treasury has issued his warrant to the former Public Printer, for an extraordinary sum of money for printing said book; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That a Joint Select Committee of two on the part of the House and one on the part of the Senate, be appointed, whose duty it shall be to enquire and report,

1st. By what authority said book or report, has been printed.

2nd. How many copies of the same have been printed.

3rd. What amount has been charged for the printing of said book, or report.

4th. Has the Comptroller issued his warrant for the printing of the same, and if so, for how much.

5th. Has such warrant of the Comptroller been paid.

*Be it further resolved,* That if the said warrant of the Comptroller has not been paid by the Treasurer, that he be, and is hereby directed to withhold the payment of said warrant, until further proceedings shall be had by this General Assembly.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Adopted November 25, 1869.

## NUMBER XXV.

HOUSE JOINT RESOLUTION Directory to the Clerks of the House and Senate.

WHEREAS, It is desirable that the members of this General Assembly, be furnished at the earliest time practicable, with printed copies of the Senate and House Journals of this session of the General Assembly; and,

Whereas, The Public Printers are now ready and desirous to begin their publication; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Principal Clerks of the two Houses be allowed for the copies of the Journals and Index furnished the Public Printer for publication, the same compensation as allowed the former Clerks for similar service, during the session of 1859-60.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 28, 1869.

## NUMBER XXVI.

HOUSE JOINT RESOLUTION To Collate and Arrange the Archives of the State.

WHEREAS, The Archives of the State are in a deplorable condition, and valuable Papers, Bills, Resolutions, Memorials and Petitions, that have accumulated since the foundation of the State Government are often called for, to be used as evidence in Court, and on account of the labels being destroyed, and the papers all in chaos and confusion, as returned during the war, they are unable to be found; and

Whereas, Such valuable State papers should be pre-

served and so arranged as to be accessible to the State officers, that certified copies can be given when called for; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That it shall be the duty of the Secretary of State, to employ some competent person to renovate, collate, arrange and label said papers in the archives, in a manner creditable to the State; for which services he shall receive such compensation as agreed upon, not to exceed four dollars per day; and the Comptroller is hereby directed to issue his warrant for said amount, to the person appointed, when he shall have completed the work to the satisfaction of the Governor, Secretary of State and Comptroller; *Provided*, he shall not receive pay for a longer time than two months. The control of the room containing the archives, shall be with the Secretary of State.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 26, 1869.

## NUMBER XXVII.

**HOUSE JOINT RESOLUTION** Authorizing the State Treasurer to effect a Loan of Twenty-five Thousand Dollars.

**WHEREAS**, The finances of the State are such that the Treasurer is unable to meet the current expenses of the General Assembly; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Treasurer be, and is hereby authorized to effect a temporary loan to the sum of twenty-five thousand dollars upon the most favorable terms practicable; which loan shall have a priority over all claims in its payment, out of such funds as may be paid into the State Treasury, and not otherwise appropriated.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

EM. ETHERIDGE,

*Speaker pro tem., of the Senate.*

Adopted November 27, 1869.

## NUMBER XXVIII.

## HOUSE JOINT RESOLUTION to Investigate the affairs of all Railroads in the Hands of Receivers, in the State of Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That a Joint Select Committee be appointed to investigate the management of the Memphis, Clarksville and Louisville Railroad, the Edgefield and Kentucky Railroad, the Nashville and North-western Railroad, Winchester and Alabama Railroad, McMinnville and Manchester Railroad, South-western Railroad, Knoxville and Kentucky Railroad, Knoxville and Charleston Railroad, and Rogersville and Jefferson Railroad, since and during the time the said roads have been in the possession, and under the management of the State, through and under the control of its Receivers; and the said committee shall consist of two members on the part of the Senate, and three members on the part of the House; and they shall examine, not only into the management of said roads, but shall investigate the accounts of said Receivers, the amount of State Bonds issued to said railroads, and the entire monetary affairs of said roads, while under their control, together with any and all other matters, that, in the opinion of said committee, may demand investigation; and to accomplish the ends and purposes of this resolution, and to carry it into perfect execution, full power and authority is vested in said committee to send for papers, books and persons, and to administer oaths; and that said committee have a clerk to be paid out of the assets of the railroad so investigated.

*Resolved further,* That this resolution be transmitted to the House for its concurrence.

*Resolved further,* That said committee shall sit during the recess of the Legislature.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 27, 1869.



## NUMBER XXIX.

HOUSE JOINT RESOLUTION to Investigate Turnpike Companies.

*Resolved*, That a Special Committee of three on the part of the House, and one on the part of the Senate, be appointed to investigate and report to this General Assembly, what disposition has been made with the moneys derived from the sale of the stock owned by the State in the E. T. and Va. Railroad, and the E. T. and Ga. Railroad, and appropriated to the use and benefit of the Turnpike Companies in Tennessee; also the moneys appropriated to all other turnpike companies; with power to send for persons and papers, and administer oaths.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 29, 1869.

## NUMBER XXX.

HOUSE JOINT RESOLUTION to Inquire into the present condition of the School Fund.

WHEREAS, The General Assembly of the State of Tennessee, at its last session, passed a Joint Resolution No. 237, to examine into and report the amount of School money belonging to the State; and

*Whereas*, Said committee reported on the 19th day of February, 1869, that there was nine hundred and forty-seven thousand, one hundred and seventeen dollars and forty-six cents, due to, and to be distributed to the several counties of the State; and

*Whereas*, The Comptroller, in his report, October, 1869, reports four hundred and thirty-six thousand, seven hundred and ninety-one dollars and ninety-seven cents, as ex-

pended for Common Schools, up to the first of October, 1869, leaving a balance due the fund of over five hundred thousand dollars, besides amount since collected; and

*Whereas*, There is much complaint from County Superintendents, that they cannot get their warrants on the Treasury cashed, and from Teachers, that they cannot get their pay for services; Therefore,

*Be it resolved*, That a committee of two on the part of the Senate, and three on the part of the House, be appointed, with power to send for persons and papers, for the purpose of examining into the present condition of the School Fund; and that they be required to report the amount on hand; and if there is a deficit, for what purpose or purposes it has been used.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 29, 1869.

## NUMBER XXXI.

RESOLUTION Directing the Comptroller to Issue his warrant to P. L. Nichol, Clerk, etc,

*Resolved by the General Assembly of the State of Tennessee*, That the Comptroller issue his warrant to P. L. Nichol, Clerk of the County Court of Davidson County, for the amount of the costs adjudged against him in the suit in the Supreme Court of the United States, of Furman, Green & Company, against said Nichol, as Clerk; and for the costs in the Circuit Court of Davidson County, in the cases in said court, against said Nichol, Clerk, involving the question of the liability of the Collectors of Revenue to receive the notes of the Bank of Tennessee in payment of State taxes, and due to the State.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted November 29, 1869.

## CHAPTER XXXII.

## HOUSE JOINT RESOLUTION in Relation to the "Agricultural School Fund."

*Resolved by the House of Representatives, the Senate concurring,* That a Joint Special Committee of three on the part of the House and two on the part of the Senate, be instructed to inquire into and report at the earliest practicable moment:

1st, Whether the 300,000 acres of Agricultural Scrip, which Tennessee received under the Act of Congress has been sold, and if sold, to whom, when and for what amount? whether the consideration has been received in whole or in part, and invested according to said Act of Congress, and the Act of the last General Assembly? whether bonds of the State have been purchased with the proceeds of said scrip? what amount, at what date, and at what price? whether said bonds or any part thereof, have been delivered to the Trustees of the University of East Tennessee; and

2d, Generally as to the past management and present condition of said fund.

3d, Whether the Trustees of the University of East Tennessee have complied fully with the requirements of An Act passed January 16, 1869, entitled "An Act to establish the Tennessee Agricultural College," and particularly the 4th section of said Act, requiring said Trustees to provide buildings, furniture and lands of the value of \$125,000, before they shall be entitled to receive the bonds of the State; and

4th, As to the actual fair, marketable value of the lands, houses and furniture actually provided by said Trustees; and to the end that said investigation may be thorough and complete, said committee is hereby authorized to send for persons and papers if needed, in the course of said investigation.

*Resolved, further,* That the Governor be, and he is hereby directed to issue no more State bonds to the Trustees of said University, pending the investigation and report of said committee, nor until the further action of this General Assembly.

*Resolved, further,* That the Comptroller be, and he is

hereby directed to withhold the interest upon any bonds already delivered to said Trustees by virtue of said Act of January 16, 1869, until the further order of this General Assembly.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Adopted November 30, 1869.

### NUMBER XXXIII.

JOINT RESOLUTION Instructing W. A. Quarles, assisted by the Attorney-general, to institute an investigation, etc.

WHEREAS, In the opinion of this General Assembly, the interest of the State of Tennessee demands that legal steps be taken to collect the interest due upon the two hundred thousand of State bonds, loaned for the construction of the Evansville, Henderson and Nashville Railroad, in the State of Kentucky; as also to obtain, if possible, some guaranty for the payment of the bonds themselves, when due; Therefore,

*Resolved by the General Assembly of the State of Tennessee,* That William A. Quarles, Esq., assisted by the Attorney-general of the State, be authorized to institute an investigation into the present condition of said Railroad Company, and take such legal steps as may be deemed necessary to secure the payment of the due and unpaid interest upon said bonds, as also such further steps as may be necessary to secure to the State some guaranty for the payment of interest hereafter accruing, and for the payment of the bonds themselves, when they mature.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Adopted December 1, 1869.

## NUMBER XXXIV.

## JOINT RESOLUTION Directory to the Comptroller.

*Resolved by the General Assembly of the State of Tennessee,* That Geo. W. Blackburn, Comptroller of the State, be and he is hereby directed, to turn over to Thomas R. Smith, Esq., Attorney for the State, in the case of the State *vs.* Tennessee National Bank of Memphis, the notes of George R. Rutter, President of said bank, amounting to three hundred and thirty thousand one hundred and eighty-eight dollars; also a certificate of deposit of said bank for forty-five thousand one hundred and thirty-two dollars and twenty-five cents, in order that a settlement may be made with the Comptroller of the currency at Washington.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted December 1, 1869.

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## NUMBER XXXV.

HOUSE JOINT RESOLUTION Requesting our Senators and Representatives in Congress to use their Endeavors to Secure Further Appropriations from the Government of the United States, to Remove Obstructions from the Tennessee and Cumberland Rivers.

*Resolved by the General Assembly of the State of Tennessee,* That our Senators in Congress be and they are hereby requested, and that our Representatives in Congress are requested, to use their endeavors to secure from the General Government of the United States, a further approp-

priation for the removing of obstructions to navigation in the Tennessee River, and the completion of a canal around the Muscle Shoals—also the Cumberland River.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted December 1, 1869.

## NUMBER XXXVI.

HOUSE JOINT RESOLUTION Requesting our Senators and Representatives in Congress to Aid in the Passage of a Law Granting to all Soldiers who Served in the War of 1812, Six Hundred and Forty Acres of Public Domain.

WHEREAS, Among the soldiers of the war of 1812, who still survive, many are in indigent circumstances and unable, from age and infirmity, to earn a living; and,

WHEREAS, It is a just principle in a free government, that those who defend the country in a great and perilous struggle, should not only be fairly compensated, but liberally rewarded and especially preserved from want; Therefore,

*Resolved by the General Assembly of the State of Tennessee,* That our Senators and Representatives in Congress, be, and they are most respectfully requested to use their aid and influence in the passage of a law appropriating to each soldier of the war of 1812, with Great Britain and all the Indian wars of that date, who served as long as three months, six hundred and forty acres of land, to be located on any part of the public domain not otherwise appropriated—or a full pension of five years instead thereof, at the option of the soldier.

*Resolved,* That the benefit of such a law should apply to the widows of such soldiers who shall survive, in such proportion as a sound discretion may dictate.

*Resolved*, That a copy of this preamble and resolution be forwarded by the Governor to each of our Senators and Representatives in Congress.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Adopted December 3, 1869.

## NUMBER XXXVII.

HOUSE JOINT RESOLUTION Directory to the Public Printer.

*Resolved by the General Assembly of the State of Tennessee*, that the State Printer be, and he is hereby directed to prepare and have laid on the table of each member, a table of rates for public printing, by means of which it may be ascertained with some degree of certainty, the cost accruing upon orders made for printing by the General Assembly.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Adopted December 3, 1869.

## NUMBER XXXVIII.

HOUSE JOINT RESOLUTION Requesting Congress to Remove Disabilities.

*Resolved by the General Assembly of the State of Tennessee*, that the Congress of the United States, be respectfully requested to pass a law removing the disabilities of all the citizens of Tennessee; which are now imposed by the 14th Amendment to the Federal Constitution.

*Resolved*, That copies of this resolution be forwarded to the Governor of this State to the Congress of the United States.

W. O'N. PERKINS

*Speaker of the House of Representatives*

D. B. THOMAS

*Speaker of the House of Representatives*

Adopted December 3, 1869.

## NUMBER XXXIX.

HOUSE JOINT RESOLUTION Providing for a Recess of the General Assembly.

*Resolved*, That this General Assembly take a recess from the 22nd of December to Wednesday the 5th day of January, 1870.

W. O'N. PERKINS

*Speaker of the House of Representatives*

D. B. THOMAS

*Speaker of the House of Representatives*

Adopted December 7, 1869.

## NUMBER XL.

HOUSE JOINT RESOLUTION Preparatory to Visiting Mrs. Polk

*Be it resolved by the General Assembly of the State of Tennessee*, That Tuesday next, at 4 o'clock, P. M., be designated as the time for this General Assembly to call on Mrs. ex-President Polk, to tender their respects, &c.



*further resolved*, That their be appointed three on  
t of the House, and two on the part of the Senate,  
mittee to wait on Mrs. Polk, and notify her of  
tion, and to officiate specially on the occasion set

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

ted December 8, 1869.

## NUMBER. XLI.

JOINT RESOLUTION With a Memorial to the Senate and  
House of Representatives of the United States.

*Senate and House of Representatives  
of the Congress of the United States:*

The Memorial of the State of Tennessee, would  
fully represent, that in the year 1852, the Legis-  
the the State of Tennessee passed a Public Act,  
g liberal and extensive aid to railroads within her  
y, by loan of bonds—that by the provisions of  
ct, railroads then receiving aid from the State in  
were required to pay *semi-annually*, the interest on  
ids, and to provide a sinking fund for the eventua-  
ment of the principal.

memorialists would further represent, that during  
e civil war, some of these railroads were torn up,  
damaged and temporarily destroyed by order of  
tary authorities of the United States, as a military  
y; that in many instances, the said roads when  
up and temporarily destroyed, were taken posses-  
and operated by the military authorities of the  
States, not only for the transportation of troops,  
ns of war and supplies, but were operated for  
traffic, and the proceeds thereof, paid into the  
y of the United States.

memorialists would respectfully represent, that  
all this time, the said roads were unable to pay their

said interest to the State, and have not since been able to do so; that at the termination of the war, or when said roads were turned over to their respective owners, they were in such a crippled and embarrassed condition that many of them have not, after nearly five years, been able to meet the current interest, and it is much doubtful whether they will ever be able. The debtors of said memorialists being thus rendered unable to pay, memorialists submit:

1st. That the destruction of said roads, being a military necessity and for the general good, the State of Tennessee shall not be required to suffer all the loss.

2nd. That the Government of the United States, shall pay to the State of Tennessee the current value of the transportation carried on over said roads, either in the form of munitions of war and supplies, as well as all moneys received by the Government of the United States, for the use of its agents, for public traffic. Your memorialists do not complain that their debtors were despoiled and made bankrupt by the operation of the Government in pursuit of "general welfare," but they insist that compensation for the public funds should be allowed.

*Resolved by the General Assembly of the State of Tennessee,* That the Governor be, and he is hereby requested to forward a copy of this Memorial, to each of our Senators and Representatives in Congress, with the request that the same be presented to the Congress of the United States.

W. O'N. PERKINS

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate*

Adopted December 9, 1869.

## NUMBER XLII.

JOINT RESOLUTION    Directory to the Secretary of State and Comptroller.

*Resolved by the General Assembly of the State of Tennessee,* That the Secretary of State and Comptroller, be, and they are hereby instructed and forbidden, to make

more bonds to railroad companies until action is had on bills now pending before the Legislature, on the subject of the issuance of bonds to railroad companies.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate.*

Adopted December 10, 1869.

### NUMBER XLIII.

SENATE JOINT RESOLUTION to Call upon Mrs. James K. Polk.

*Resolved by the General Assembly of the State of Tennessee,* That a committee of two on the part of the Senate and three on the part of House of Representatives, be appointed to wait upon Mrs. James K. Polk, and inform her that the two Houses will, if agreeable to her, call upon her this afternoon at four (4) o'clock, or at such other time as she may designate.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted December 14, 1869.

### NUMBER XLIV.

JOINT RESOLUTION to Provide a Suitable Room for the Sitzings of of the Constitutional Convention.

*Resolved by the General Assembly of the State of Tennessee,* That the Speakers of the two Houses of the General Assembly, be, and they are hereby directed to procure

and have furnished, in a proper manner, some suitable room in the City of Nashville, for the convenience of the Constitutional Convention, to assemble on the second Monday in January next; and all bills thus created, when approved by the Speakers, shall be paid by warrant drawn by the Comptroller on the Treasurer, and included in the General Appropriation Bill for this session of the General Assembly; and all furniture thus purchased, shall be disposed of under the direction of the Speakers after the adjournment of the Convention.

*Resolved, further,* That the person so elected or chosen by the Speakers, to do said work, shall incur no expense in this matter, until after it is certainly known that said Convention will convene.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
JONATHAN MORRIS,  
*Speaker pro tem., of the Senate.*

Adopted December 15, 1869.

## NUMBER XLV.

### JOINT RESOLUTION Directory to the Comptroller.

WHEREAS, The Comptroller has agreed upon the settlement of a claim with the Memphis and Ohio Railroad Company, and desires that the amount of the claim be allowed as a credit upon the interest due by that company to the State, and requests a Joint Resolution be passed as a voucher for him; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Comptroller be instructed to allow the amount of said claim, as a credit upon the interest due by said company.

W. O'N. PERKINS  
*Speaker of the House of Representatives.*  
JONATHAN MORRIS,  
*Speaker pro tem., of the Senate.*

Adopted December 18, 1869. ;

## NUMBER XLVI.

HOUSE JOINT RESOLUTION Discharging the Special Committee on the Baxter Memorial.

WHEREAS, A general committee has been appointed to examine into the affairs, management and control of the railroads of the State that are now and have been in the hands of the Receivers of the State, under and by virtue of the laws of the State; and

Whereas, The Knoxville and Kentucky Railroad is one of said roads;

*Be it therefore, resolved,* That it is the sense of the General Assembly, that the Special Committee appointed upon the Baxter Memorial, to examine into the management, control and affairs of the Knoxville and Kentucky Railroad, is superseded by the appointment of the general committee to examine into the affairs of all railroads in the State, that are now, and have been in the hands of said Receivers.

*Be it further resolved,* That said Memorial be referred to the general committee on railroads, with full power to investigate all matters contained therein, in as full a manner as are vested in them, under the general powers of their appointment.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted December 18, 1869.

## NUMBER XLVII.

JOINT RESOLUTION in Regard to the Penitentiary.

*Resolved by the General Assembly of the State of Tennessee,* That the Directors of the Penitentiary of the State,

immediately take possession of the machinery, material, work-shops and convict labor turned over to them by Messrs. Ward & Briggs, and put the same at once in operation for the best interest of the State, so as to finish the work now on hand, and prepare the same for market; but with no power to lease the same, unless their lease is submitted to and approved by the General Assembly.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted December 18, 1869.

## NUMBER XLVIII.

**HOUSE JOINT RESOLUTION** Requesting our Senators and Representatives in Congress to procure a Reduction of the Privilege Tax upon Small Distillers of Spiritous Liquors.

*Resolved by the General Assembly of the State of Tennessee,* That our Senators and Representatives in Congress are hereby requested to use their influence in the Congress of the United States, to procure such reduction of the privilege tax upon small distillers of spiritous liquors, as shall enable citizens of small means to engage in the business, and that said tax be modified, so as not to be prohibitory upon our farmers and fruit raisers, who may desire to manufacture liquors in small quantities, as may suit their convenience; and that the Secretary of State transmit a copy of this resolution to each of our Senators and Representatives.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate.*

Adopted January 6, 1870.

## NUMBER XLIX.

**JOINT RESOLUTION** Requesting our Senators and Representatives in Congress, to Urge the Passage of a Law by Congress to Repeal or Modify the National Banking Law.

*Resolved by the General Assembly of the State of Tennessee,* That our Senators and Representatives in Congress, be, and they are hereby requested to urge the passage of a law by Congress, repealing the National Banking law, or at least so much thereof as provides for the taxation of State and Free Banks, or their circulation, so as to allow the re-organization of such banks of circulation as the commerce of the country may demand.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate.*

Adopted January 6, 1870.

## NUMBER L.

**JOINT RESOLUTION** Directory to the Special Committee on Railroads.

*Resolved by the General Assembly of the State of Tennessee,* That the Joint Special Committee on investigation of Railroads, be, and they are hereby instructed to investigate the management and construction of the Tennessee and Pacific Railroad.

W. O'N. PERKINS,

*Speaker of the House of Representatives*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate*

Adopted January 6, 1870.

## NUMBER LI.

RESOLUTION Complimentary to the Hon. Connally F. Trigg.

*Resolved by the General Assembly of the State of Tennessee,* That the conduct of the Hon. Connally F. Trigg, one of the District Judges of the United States, in his judicial capacity, has the hearty approval of this General Assembly; and that while he has brought to the bench, talent, industry and learning, he has also in the discharge of his high official duties, contributed largely by his personal learning and administration of the law, to allay and soften the bitter asperities growing out of the late civil war.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted January 7, 1870.

## NUMBER LII.

JOINT RESOLUTION to appoint a Joint Select Committee, etc.

WHEREAS, The report of the Secretary of State shows that the stock of the State in the various turnpike and plank roads is in a deplorable condition, and that the interest of our people is suffering from this unhappy partnership, in many instances; and,

WHEREAS, It is known that great frauds have been practised on the State by many of said companies, by using the bonds of the State upon which the interest has to be paid, and not completing their roads, and not making any report, in many instances, of their income; Now, therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That a Joint Select Committee, composed of two on the part of the Senate, and three on the part of the



House, be appointed to investigate the condition of the stock of the State in all of the various turnpike and plank road companies, to see what companies, if any, have practiced frauds upon the State, together with all other matters contained in the report of the Secretary of State; and that they have power to send for persons and papers; and to sit during any recess of the Legislature, for the purpose of investigating the questions; and that they report a bill perfecting such legislation as may be deemed necessary to save the State from further loss.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Adopted January 7, 1870.

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### NUMBER LIII.

HOUSE JOINT RESOLUTION Granting the use of the Basement of the Capitol to the "Pale Faces."

*Be it resolved by the General Assembly of the State of Tennessee,* That the "Order of the Pale Faces" be allowed the use of the basement of the Capitol, in which to set a supper, on Wednesday evening, the 12th instant; this privilege not to interfere with any of the public stores.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Adopted January 11, 1870.

## NUMBER LIV.

HOUSE JOINT RESOLUTION to allow the Members of the State Convention the use of the Library.

*Resolved by the General Assembly of the State of Tennessee, That the members of the Constitutional Convention shall have the same privileges, and be subject to the same restrictions, with respect to the Library, as the members of this General Assembly.*

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS.

*Speaker of the Senate.*

Adopted January 12, 1870.

## NUMBER LV.

JOINT RESOLUTION Endorsing the Present Administration, &c.

WHEREAS, For four years immediately preceding the inauguration of General Grant as President of the United States, a large majority of the people of Tennessee were taxed to the utmost possible extent, without the privilege of the elective franchise; and

*Whereas, During that period large bodies of Federal troops were quartered throughout the State, under the false pretext that their presence was necessary to the enforcement of the laws; and*

*Whereas, During these four years, the people of the State were often insulted and oppressed by an irresponsible State Militia, wantonly quartered upon the people; and*

*Whereas, Six months after the inauguration of President Grant, the people of the State were permitted peacefully to regain their public liberties within the limits of the Constitution of the United State; and*

**Whereas**, Since the inauguration of General Grant as President, he has evinced no disposition to oppress us by the military power under his control, or otherwise, or to prevent the people of the State from regaining their liberties peacefully, and within the limits of the Constitution; Therefore,

*Resolved by the General Assembly of the State of Tennessee*, That the thanks of the people of the State are eminently due President Grant for his refusal to adopt the counsels of those who have so long resisted our attempts to secure equal and impartial freedom to all the citizens of the State, without regard to color, former political opinions, race or previous condition.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted January 14, 1870.

## NUMBER LVI.

**HOUSE JOINT RESOLUTION** Requesting Congress to Grant Pensions to the Officers and Soldiers of the War of 1818.

*Resolved by the General Assembly of the State of Tennessee*, That our Senators and Representatives in the Congress of the United States, be requested to use all honorable means to procure for the surviving officers and soldiers of the Seminole War of 1818, the same pensions or bounties, that may be granted the officers and soldiers of the War of 1812-14; a copy of this resolution to be furnished our Senators and Representative in Congress.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted December 17, 1869.

## NUMBER LVII.

HOUSE JOINT RESOLUTION Directory to S. Watson, Trustee, &c.

*Be it resolved by the General Assembly of the State of Tennessee*, That Samuel Watson, Esq., be requested to furnish the General Assembly with a list of the issues of the several Branch Banks of the State of Tennessee, with the letter and number of the same issued subsequent to the 6th of May, 1861, or any other information he may be able to give.

*Be it further enacted*, That the Comptroller be instructed to have said report printed, and furnish each collector of Revenue in the State with a copy of the same; and that 500 copies be printed for the use of the General Assembly.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted January 18, 1870.

## NUMBER LVIII.

HOUSE JOINT RESOLUTION Directory to the Comptroller.

*Be it resolved by the General Assembly of the State of Tennessee*, That the Comptroller, be, and he is hereby authorized and instructed to apportion the school money, for the years 1868 and '69, to each county according to scholastic population; and issue a warrant on the Treasurer to

each of the County Trustees, for the amount due according to scholastic population; *Provided*, in all cases, that the Comptroller shall have satisfactory evidence that the County Trustee has given bond as required by law.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted January 19, 1870.

## NUMBER LIX.

HOUSE JOINT RESOLUTION Authorizing the Governor, Secretary of State and Comptroller, to settle with John C. and John M. Gaut, and others, for services rendered in the Arbitration between the State of Tennessee and Ward & Briggs, Lessees of the Penitentiary.

WHEREAS, It has been represented to this General Assembly by the Governor, Secretary of State and Comptroller, that they retained the law firm of John C. & John M. Gaut, to defend the interests of the State of Tennessee in the matters of dispute between the State and the Lessees of the Penitentiary, referred by the laws passed by the last General Assembly, to the award of the Hon. David Campbell, chosen by the Governor, and Hon. E. H. East, chosen by said Lessees; and

WHEREAS, Said State officers have further reported that said John C. & John M. Gaut did represent the interests of the State in said matters before said arbitrators, to the satisfaction of said State officers, but there was no express law authorizing the employment or payment of counsel for their services on behalf of the State in said matters, referred as aforesaid; and that said attorneys were only retained from the necessity of the case, and because it was believed the interest of the State demanded it; Therefore,

*Resolved by the General Assembly of the State of Tennessee*, That the Governor, Secretary of State and Comptroller, are hereby authorized to settle and cause to be paid

to the said John C. & John M. Gaut, compensation for their services rendered as aforesaid.

*Resolved, further,* That said State officers are authorized to settle and cause to be paid, Hon. David Campbell, compensation for his services rendered as arbitrator as aforesaid, and in like manner for one half the services of the Hon. James E. Baily, chosen as Umpire, by said Campbell and East.

*Resolved further,* That said State officers, in like manner, are authorized to settle with James Plunket, for his services as aforesaid, chosen by the State to value the machinery and property of the Lessees of the Penitentiary, and for one half the services of Thomas M. Brennan, the third appraiser chosen by the said Plunket and John C. Ward, the appraiser on the part of the Lessees.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted January 21, 1870.

## NUMBER LX.

HOUSE JOINT RESOLUTION Calling for a Report from the Board of Commissioners of the School Fund.

WHEREAS, The 46th section of the Act of the 5th of March, 1867, chapter 27, provides that the Governor, Secretary of State, Comptroller, and the Superintendent of Common Schools for the State, shall be a Board of Commissioners of the School Fund; and that the Governor shall be President of the Board, and the Superintendent of Common Schools shall be Secretary thereof, who shall keep a record of the proceedings of the Board, and which shall assemble at the pleasure of the President; and,

WHEREAS, The 47th section of said Act provides that the said Board of Commissioners shall have the superintendency of the School Fund, and shall guard it against

loss and diminution, and see that the fund for annual distribution shall be inviolably paid over to the support of the common schools for the benefit of all the people, and for no other use or purposes whatever; and

WHEREAS, The 48th section of said Act provided that said Board of Commissioners shall make out and publish annually, a report of the condition and distribution of said fund, to be transmitted by the Governor to each session of the General Assembly; and

WHEREAS, The 20th section of the Act of March 14, 1868, chap. 83, provides that there shall be kept in the offices of the State Treasurer and Comptroller, a separate account of all school money received and disbursed; and that all money collected for school purposes shall be set apart and expended therefor, and for no other purpose or purposes whatever; and,

WHEREAS, The 23d section of the last-mentioned Act provides that the taxes of every name, kind and description, levied and collected on property, privileges and polls, for common schools, shall be applied to common schools, according to existing laws, and shall be applied to no other purpose, under any pretext or necessity whatever; and,

WHEREAS, The said Board of Commissioners have failed to make any report to the present General Assembly, as provided in the recited sections of the said Act; Therefore,

*Be it resolved,* That said report be made by said Board of Commissioners to the General Assembly now in session, within ten days after the passage of these resolutions.

*Be it further resolved,* That said report shall state the amount of school fund collected or received for the years 1867, 1868 and 1869; what disposition, if any, has been made of the same; whether or not said Commissioners have ever assembled and acted under the provisions of said Acts; and if so, they will file a copy of the record of their proceedings with said report; whether or not they have guarded the school fund from loss or diminution; whether or not the school fund has annually and inviolably been distributed and paid over for the support of common schools and for the benefit of all the people, and for no other purpose or use whatever; whether or not there has been kept in the offices of the Treasurer and Comptroller a separate account of all school money received and disbursed under the provisions of said Acts; and if so, they will file a copy of such account with said report; whether or not all money collected for school purposes has been set apart and kept separate from all other money of the State,

and sacredly expended for common schools, and for no other purpose or purposes whatever.

*Be it further resolved*, That, if any of said school money, under any pretext, excuse or supposed necessity, has been used for any other purpose than that of common schools, the said Board of Commissioners will, in their said report, set forth and show for what use or purpose it has been applied—giving in full all facts and information in relation to the same, and in what way they propose to raise said money to the common school fund.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate*

Adopted January 21, 1870.

## NUMBER LXI.

### HOUSE JOINT RESOLUTION Directory to the Comptroller.

*Resolved*, That the Comptroller be, and he is hereby authorized and required, without delay, to negotiate with the Fourth National Bank of the City of New York, or any other corporation or person, by depositing with said bank, as collateral security, the bonds of this State which have already been issued, on such terms as he may deem best, to secure and obtain a loan of \$130,000, or enough of money to pay Ward & Briggs, lessees of the Penitentiary, in accordance with the Act of this General Assembly, passed December 19, 1869, requiring the Comptroller to pay Ward & Briggs \$132,200.64, they having already received \$2,200.64 of said amount.

*Resolved*, 2d, That the Comptroller report his action in the premises as soon as possible, to the General Assembly of the State.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted January 25, 1870.



## NUMBER LXII.

**HOUSE JOINT RESOLUTION**, Construing certain sections of the Code, and Directory to the Comptroller and Treasurer.

*Resolved by the General Assembly of the State of Tennessee,* That, under sections 1538, 1539, 1540, 1541 and 1542, of the Code, all appropriations for the support of the Hospital for the Insane are in the custody of the Treasurer of the State, as Treasurer of the Hospital, subject to the order of the Chairman of the Acting Board of Trustees of the Hospital; and the Comptroller of the Treasury is hereby directed to issue warrants upon the Treasurer, upon any account or order, for sums under such appropriations, approved by the Superintendent of the Hospital and the Chairman of the Acting Board of Trustees.

W. O'N. PERKINS.

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted January 25, 1870.

## NUMBER LXIII.

**HOUSE JOINT RESOLUTION** Thanking the Constitutional Convention for their Action on the Question of Universal Suffrage.

*Resolved by the General Assembly of the State of Tennessee,* That the thanks of this General Assembly are hereby tendered to the Convention of this State for the noble stand they took on yesterday, in favor of Universal Suffrage—believing, as we do, this amendment to our Constitution will secure the peace, harmony and prosperity of our whole people.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted January 28, 1870.

## NUMBER LXIV.

## HOUSE JOINT RESOLUTION in Regard to the Death of George D. Prentice.

WHEREAS, The intelligence of the death of George Dennison Prentice, has been received with profound sorrow by this General Assembly; and whereas, we feel in his death the loss of one whose name is clearly indented with the history of the country, in the manifold characters of Poet, Journalist, Biographer and Statesman, and has shed a lustre upon the literature of his age, and the energies of whose great mind were, throughout his career, and during the most interesting and trying period of our history, devoted to the good of his country, and the elevation of his race; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee, That, in common with the Nation, we deplore the loss of the distinguished dead; and especially do we tender our sympathy to our sister State of Kentucky, in the loss of her most brilliant son.*

*Resolved, That a copy of this preamble and resolution be at once forwarded to each of the Speakers of the Legislature of Kentucky, now in session, at Frankfort.*

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted January 28, 1870.

## NUMBER LXV.

## HOUSE JOINT RESOLUTION Directory to the Public Printer.

*Be it resolved by the General Assembly of the State of Tennessee, That the Public Printer be instructed to print fifteen hundred copies of the Message of the Governor, in*

relation to the preservation of the public peace of the State; and that the said report be furnished *pro rata* to the members of the Senate and House of Representatives, for distribution among the people of the State.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker pro tem., of the Senate.*

Adopted February 4, 1870.

## NUMBER LXVI.

### HOUSE JOINT RESOLUTION Directory to Quartermaster-general of the State of Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That the Quartermaster-general of the State, A. S. Bayless, be, and he is hereby instructed to turn over to the Adjutant-general of the State of Tennessee, all of the books, papers and vouchers now in his possession, with all property of every description, now in his possession, if any—taking triplicate receipts to be filed in the office of the Secretary of State, and one in the office of the Comptroller of the currency.

*Resolved, further,* That said Adjutant-general of the State, be, and is hereby instructed to ascertain from the Governor of the State, the amount of orders issued to said Q. M., upon the Comptroller; and if the said amount correspond with the amount as stated by said Q. M., then the Governor shall relieve said Q. M. from further service as such, and give him a letter closing his account with the State of Tennessee.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 11, 1870.

## NUMBER LXVII.

JOINT RESOLUTION For the Protection of the Capitol Building.

WHEREAS, Certain portions of the roofing of the Capitol building are not sufficient to protect the building; Therefore,

*Resolved by the General Assembly of the State of Tennessee,* That the Superintendent of the Capitol be instructed to at once have such repairs made on the roof of the Capitol as may be necessary to make the same secure; and that he report the expense incurred, to the present session, so as to have the same allowed in the General Appropriation Bill.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 14, 1870.

## NUMBER LXVIII.

HOUSE JOINT RESOLUTION to Pay Witnesses in Contested Election Cases.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller be directed to issue his warrants on the Treasurer for the amounts below, to pay witnesses in the contested case of Fleming vs. Dillin, before the House of Representatives during this session, to-wit: Wm. McKonnokin, W. L. Howe and Edward Fields, eleven dollars and twenty cents (\$11.20) each; to John Wilson, J. S. Payne, Thomas Carier, J. C. Brothers, E. W. Owen, John Sanford, Wiley Brown, E. L. Jordan and John Jones, six dollars (\$6.00) each; to J. T. Gooch, T. J. Saunders, Andrew Payne, L. P. Swayne, W. A.

Nocbill, J. W. Hite, H. Gregory, W. A. Reed and Q. D. Gillespie, four dollars (\$4.00) each; to J. A. Finnegan for summoning witnesses, ten dollars and fifty cents (\$10.50;) which amounts shall be incorporated in the General Appropriation Bill.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 15, 1870.

## NUMBER LXIX.

HOUSE JOINT RESOLUTION Directory to Thomas R. Smith,  
 Attorney for the State, Concerning the Tennessee National Bank of  
 of Memphis.

*Resolved by the General Assembly of the State of Tennessee,*  
 That Thomas R. Smith, Attorney for the State, pay over  
 to the State Treasurer, according to the 29th section of An  
 Act passed February 27, 1869, "to defray the expenses of  
 the adjourned session of the Legislature," all the net pro-  
 ceeds of the Tennessee National Bank of Memphis, in  
 his hands amounting to sixty-five thousand one hundred and  
 seventy-one dollars and fifty-three cents, (\$65,171.53,) less  
 seven thousand seven hundred and twenty-eight dollars,  
 (\$7,728,) paid by said Thomas R. Smith for the balance  
 of the assets of the Tennessee National Bank, with in-  
 terest on the amount so paid.

2nd. *Be it further resolved,* That the purchase at  
 at public auction on the 23d and 24th of September, 1869,  
 by the said Thomas R. Smith, of all assets of the Ten-  
 nessee National Bank of Memphis, amounting to the sum  
 of \$327,476.26, for the purchase money, \$7,728 is hereby  
 approved, ratified and accepted, on the part of the State  
 of Tennessee.

3rd. *Resolved further,* That, having full confidence  
 in the ability and integrity of Thomas R. Smith, Esq.,  
 he is hereby appointed and authorized to collect any un-  
 paid assets, and to compromise doubtful assets of said

bank on the best terms for the State; and that he pay over to the State Treasurer all moneys so collected by him; and the State Treasurer is hereby authorized to allow the said Thomas R. Smith a reasonable fee for his services as Attorney in settling up said assets.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 17, 1870.

## NUMBER LXX.

### HOUSE JOINT RESOLUTION to Protect the State Against Fraud.

WHEREAS, By reason of the late decision of the Supreme Court of the United States, in regard to notes of the Bank of Tennessee, great inducements are offered to revenue officers and other parties, to make combinations to defraud the State; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Comptroller and Treasurer be, and the same are hereby required, to suspend the settlements of all revenue officers who shall offer to settle in whole or in part, with notes upon the Bank of Tennessee, until they shall be satisfied by sworn proof, that said notes were actually received from tax-payers in payment of taxes; and that said notes were not obtained through any connivance, collusion or combination, between said officers and brokers or other parties, whereby taxes previously collected in current money were exchanged for said bank notes.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 18, 1870.

## NUMBER LXXI.

HOUSE JOINT RESOLUTION to Inquire into the Status of the  
School Tax Paid for the Year 1865.

*Be it resolved by the General Assembly of the State of Tennessee,* That a Committee of two on the part of the House, and two on the part of the Senate, be appointed by the respective Speakers, to inquire into the amount of the school tax collected on behalf of the State from each county, for the year 1865, and how the same has been disposed of. The Committee shall have power to send for persons and papers.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 18, 1870.

## NUMBER LXXII.

JOINT RESOLUTION Approving the Course of the Comptroller of  
the State.

*Resolved by the General Assembly of the State of Tennessee,* That the action of the Comptroller of the Treasury in litigating with the Lessees of the Penitentiary, be, and the same is hereby approved, and he is hereby authorized and instructed to prosecute the same to a successful termination, if possible.

*Resolved, further,* That the State of Tennessee hereby assumes any liability which said Comptroller may have, or shall hereafter legally incur, by reason of said litigation.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 19, 1870.

## NUMBER LXXIII.

## HOUSE JOINT RESOLUTION Directory to the Governor.

*Be it resolved by the General Assembly of the State of Tennessee,* That the Governor be, and is hereby requested, to inform this General Assembly whether the provisions and requirements of An Act passed February 25, 1868, have been complied with by all the railroad companies affected by said Act, the same being An Act to define the powers and duties of State Directors in the railroad companies of this State.

*Resolved, 2d,* If any companies have complied with said Act, and have made reports as required by the same, the Governor is further requested to furnish this General Assembly with copies of such report.

*Resolved, 3d,* If any such railroad companies have failed to make the report required by said Act, the Governor is further requested to furnish this General Assembly with the names of said companies.

*Resolved, 4th,* That, if the State Directors in any railroad companies have failed to comply with the eighth section of said Act; and if, notwithstanding such failure on their part, any bonds have been issued to any railroad company in this State, the Governor is hereby further requested to give information to this General Assembly, of the number and amount of said bonds so issued, with the date of the issuance of such bonds, together with the names of the respective companies to which issued.

*Resolved, 5th,* That the Governor be requested to communicate to this General Assembly, all, and singular, whatever information upon the above subject that may be of service to the public interest.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 21, 1870.



## NUMBER LXXIV.

**HOUSE JOINT RESOLUTION** Granting the use of the Hall of the House of Representatives to the National Dental Association, in which to hold their Convention in August next,

**WHEREAS**, The American Dental Association proposes to hold their next Annual National Convention in the City of Nashville, to commence on the first Tuesday in August next, and have, through their committee on propositions, asked the use of the Representative Hall for that purpose; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee*, That the use of the Hall of the House of Representatives, be granted said National Dental Association, as asked for, commencing on the first Tuesday in August next; *Provided*, the Legislature be not in session at that time.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 21, 1870.

## NUMBER LXXV.

**HOUSE JOINT RESOLUTION** Authorizing the Publication of the Public Laws in the German Language, in the Nashville Democrat.

*Resolved by the General Assembly of the State of Tennessee*, That a copy of all the Public Laws passed by this General Assembly, be published in the German paper, the Nashville Democrat, in German language, as in the other papers doing public printing, and at the same rates, but nothing is to be allowed for translating.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 22, 1870.

## NUMBER LXXVI.

HOUSE JOINT RESOLUTION to Protect the Revenue of the State.

*Resolved by the General Assembly of the State of Tennessee,* That public officers, collectors of State and county revenues, all Receivers and all other persons, having in their hands or under their control, any moneys due the State, or any county of the State, shall pay over to the proper officers or depositories of the State or county, such funds or such currency, as they shall have collected from the tax-payers, or from the sources or parties owing such State or county revenues; and all such collecting officers and Receivers, shall, in their settlement and report, make a sworn statement, showing the kind of money received from the parties owing the same, whether Tennessee State Bank money or other legal currency.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 22, 1870.

## NUMBER LXXVII.

HOUSE JOINT RESOLUTION Directory to the Comptroller, in regard to Delinquent Tax-collectors.

WHEREAS, It appears from the report of the Comptroller of the Treasury, to this General Assembly in October last, that, on the 30th day of September, 1869, the amount due the State, from delinquent Tax-collectors, there was the sum of \$308,706.10; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be, and

he is hereby directed and required, to bring suit without delay, against all delinquent Tax-collectors for taxes due prior to the year 1869, as the law provides.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 22, 1870.

## NUMBER LXXVIII.

HOUSE JOINT RESOLUTION Directory to the Attorney-general of the State.

WHEREAS, Joint Resolution, directory to the Attorney-general of the State, number thirty-one, adopted March 15, 1860, has a tendency to unsettle titles to lands obtained under the Act of 1829, and bring the State in debt by instituting law suits at the expense of the State, in which the State has no interest for the benefit of individuals; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That said resolutions are hereby rescinded, and all suits brought by the Attorney-general under said resolutions, be dismissed without any further cost to the State.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 23, 1870.

## CHAPTER LXXIX.

**HOUSE JOINT RESOLUTION** Authorizing the Directors of the Penitentiary to put such number of convicts at work on the Capitol Grounds as can be advantageously employed in improving the same.

*Resolved by the General Assembly of the State of Tennessee,* That the Directors of the Penitentiary, be, and they are hereby authorized and directed, to put such number of convicts at work upon the Capitol Grounds, as can be advantageously employed in improving the same; and said work shall be prosecuted under the supervision and direction of said Directors, and a competent engineer, whom they are hereby authorized to employ, at a compensation not to exceed two hundred dollars (\$200) per month.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 24, 1870.

## NUMBER LXXX.

**HOUSE JOINT RESOLUTION** Rejecting the 15th Amendment.

*Resolved by the General Assembly of the State of Tennessee,* That we do hereby refuse to ratify or assent to the proposed Fifteenth Amendment to the Constitution of the United States, to-wit:

"UNITED STATES OF AMERICA, DEP'T'NT OF STATE.  
"To all Whom these Presents shall Come—Greeting:

"I certify, That hereto annexed, is a true copy of a Concurrent Resolution of Congress, entitled 'A resolution pro-

posing An Amendment to the Constitution of the United States;’ the original of which resolution received on the 27th day of February A. D., 1869, is on file in this Department.

“*In testimony whereof*, I, J. C. Bancroft Davis, acting Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

“Done at the City of Washington, this 13th day of October, A. D., 1869, and the Independence of the United States of America, the ninety-fourth.

Department of State.

“J. C. BANCROFT DAVIS.”

“*Concurrent Resolution Received at Department of State, February 27, 1869.*

“A resolution proposing an amendment to the Constitution of the United States :

“*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two thirds of both House concurring,) that the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which when ratified by three fourths of said Legislatures, shall be valid as part of the Constitution, viz:*

#### ‘ARTICLE XV.

‘SECTION 1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude.

‘SEC. 2. The Congress shall have power to enforce this Article by appropriate legislation.

‘SCHUYLAR COLFAX,

‘*Speaker of the House of Representatives.*

‘B. F. WADE,

‘Attest: ‘*President pro tem., of the Senate.*

‘EDWARD MCPHEARSON,

‘*Clerk of the House of Representatives.*

‘GEO. C. GORHAM,

‘*Secretary of Senate United States.’”*

And the same is hereby rejected.

*Resolved, That the Secretary of State of the United States be officially informed of its rejection by the State of*

Tennessee; and that the Governor of Tennessee furnish said Secretary of State an authentic copy of the action of the Legislature of Tennessee, rejecting said proposed Fifteenth Amendment to the Constitution of the United States.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 24, 1870.

## LXXXI.

HOUSE JOINT RESOLUTION Asking the Aid of the Federal Government to the Southern Pacific Railroad.

WHEREAS, The following Memorial, in behalf of a Southern Pacific Railroad has been adopted by the Chamber of Commerce of the City of Memphis; and

WHEREAS, In the opinion of this General Assembly, the enterprise advocated in said memorial, promises great commercial benefits to the State of Tennessee, and is at the same time, of such national importance as to deserve the same active and efficient aid of the Federal Government that has been so liberally extended to the Union Pacific Railroad; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That our Senators in Congress be instructed, and our Representatives be requested, to make every exertion to obtain from the Congress of the United States a favorable response to said memorial.

*Resolved, further,* That the Secretary of State be instructed to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 24, 1870.

## NUMBER LXXXII.

HOUSE JOINT RESOLUTION Requesting our Senators and Representatives in Congress to urge a modification of the Claim Laws of the United States Government.

*Resolved by the General Assembly of the State of Tennessee,* That our Senators and Representatives in Congress are respectfully requested to urge the modification of the present Claim Laws of Congress so as to facilitate the collection of the claims the citizens of Tennessee have against the Government of the United States, for supplies furnished to the armies of the United States, or taken from the citizens of this State by said armies during the late war.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 24, 1870.

## NUMBER LXXXIII.

HOUSE JOINT RESOLUTION Directing certain State Bonds to be Cancelled.

*Be it resolved by the General Assembly of the State of Tennessee,* That the State Treasurer be, and he is hereby directed to deliver to the Comptroller, the forty-one bonds of the State of Tennessee, of one thousand dollars each, numbered, 6019, 6020, 6021, 6023, 6024, 6025, 6026, 6027, 6013, 6014, 1008, 966, 3116, 741, 1784, 8567, 3658, 6060, 10725, 6970, 71, 11461, 67, 7790, 2175, 2176, 2177, 2183, 11068, 11695, 2182, 2184, 10981, 1284, 9650, 8817, 8819, 8818 and 9649, received in a settlement with F. N. W. Burton, former Secretary of State, and now in the hands of the Treasurer, with the coupons of interest thereon, to be cancelled as hereinafter

directed, and filed in the office of the Comptroller, and upon said bonds and coupons, and five hundred and seventy-four coupons heretofore detached from said bonds by the Comptroller and former Treasurer, and which the Treasurer is also directed to deliver to the Comptroller, being delivered to the Comptroller, by the Treasurer, the Comptroller shall execute to the Treasurer a receipt for said bonds and coupons, which shall be a sufficient voucher to the Treasurer; Therefore,

*Be it further resolved,* That the Comptroller, upon said bonds being delivered to him, shall proceed to cancel said forty-one (41) bonds, and the coupons attached thereto, and one other bond now in the hands of the Comptroller No. 117, with the coupons attached thereto, also received in the settlement with said Burton; which bonds shall be cancelled, and sufficiently defaced in the presence of the Speaker of the Senate, the Speaker of the House, and the Secretary of State, who shall make a certificate thereof, and file the same in the office of the Secretary of State; and also make report thereof to this General Assembly.

*Be it further resolved,* That all the coupons already redeemed or paid; and now in the hands of the State Treasurer, shall, at once be burned by the Secretary of State, Comptroller and Treasurer, and report of the same be made to the Legislature.

*Be it further resolved,* That the Comptroller shall record the number, date, and letter of each bond and coupon so cancelled or destroyed; and said record shall be spread in full upon the books of the Comptroller, and a copy filed by the Comptroller, in the office of the Secretary of State, and in the office of the Treasurer of the State.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 25, 1870.



## NUMBER LXXXIV.

## JOINT RESOLUTION to Appoint a Committee of Investigation.

*Be it resolved by the General Assembly of the State of Tennessee,* That a Committee of two on the part of the House, and one on the part of the Senate, is hereby appointed to investigate the alleged payments made by the Memphis and Charleston Railroad Company to the Bank of Tennessee, on account of interest due on bonds loaned by the State to said company, together with the time when paid, and where, and amounts; and if, upon investigation, the committee are satisfied that the Memphis and Charleston Railroad Company have made proper payments, and which have not yet, but now ought to be allowed, they will report the facts to this General Assembly at its present or adjourned session, for action, by bill or otherwise.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 28, 1870.

## NUMBER LXXXV.

## HOUSE JOINT RESOLUTION, Directory to the Governor.

*Resolved by the General Assembly of the State of Tennessee,* That it shall be the duty of the Governor to issue his proclamation, directing the opening and holding of elections in the respective counties throughout the State on the fourth Saturday in March, 1870, for the purpose of receiving the votes for the ratification or rejection of the Constitution recommended by the recent Convention, in

accordance with the Ordinance of said Convention, and the Act of the General Assembly, passed November 15, 1869; also, the Act passed at the present session of the General Assembly, postponing elections to the fourth Saturday of March, 1870.

*Resolved further*, That the Governor shall, in his proclamation, direct that at said election the officers holding the same shall provide two ballot-boxes—one for the deposit of votes for the ratification or rejection of the Constitution, and the other for the votes for the county officers.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 28, 1870.

## NUMBER LXXXVI.

HOUSE JOINT RESOLUTION in Relation to A. J. Fletcher, Secretary of State.

WHEREAS, It has been stated that the Hon. A. J. Fletcher, Secretary of State, has been guilty of violation of law in demanding and receiving fees illegally; of defrauding the State in the sale of the United States Treasury Scrip issued for the purpose of establishing Agricultural Colleges, and appropriating to his own use, and misapplying State property; and,

WHEREAS, The honor and integrity of A. J. Fletcher, as well as the interest of the State, demand that the truth should be arrived at; Therefore,

*Be it resolved*, That a committee of three on the part of the House, and one on the part of the Senate, be appointed, with full power and authority to inquire into and report upon said matter; and that they shall have power and authority to send for all persons and papers they may deem necessary, or that may be desired on the part of the Hon. A. J. Fletcher; to administer oaths; and that said com-

mittee shall have power and authority to pursue their investigations during the recess of the present session of the Legislature.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 28, 1870.

## NUMBER LXXXVII.

HOUSE JOINT RESOLUTION In Relation to the Hermitage.

*Resolved by the General Assembly of the State of Tennessee,* That James Whitworth, A. W. Johnson and Wm. Nichol, be appointed Commissioners with power to employ a competent Engineer, in conjunction with whom, they will visit the Hermitage place, and proceed to survey and lay off a lot or parcel of said Hermitage tract of land to contain from seventy-five to one hundred and twenty-five acres, and embracing the residence and tomb of General Jackson, and fronting on the Lebanon Pike, and the Cross Lane West of the residence—the lot or parcel of ground so laid off, to be retained by the State; and said Commissioners will also have the balance of said tract of land surveyed; a map of all which, they will have made out; and the Commissioners aforesaid will report their action to this General Assembly at as early a day as practicable, accompanied by such map. And such other divisions of the balance of the tract, not set apart as aforesaid, with the residence, as they may think advisable to put the same on sale, shall be noted on such map. All other matters connected with the disposal of the property, being reserved until the coming in of said report.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
 D. B. THOMAS,  
*Speaker of the Senate.*

Adopted February 28, 1870.

## NUMBER LXXXVIII.

COMPLIMENTARY RESOLUTION to the Memory of Andrew Jackson and his Gallant Army.

WHEREAS, The eighth day of January, 1815, has ever been held in high veneration by the people of the State of Tennessee, on account of the victory achieved on that day over the foreign enemy by the United States forces, under the command of Andrew Jackson; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That we revere the memory of Andrew Jackson and his gallant army of citizen soldiers; and as a tribute of respect to them, this preamble and resolution be entered on the Journals of the Senate and House of Representatives.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted February 28, 1870.

## NUMBER LXXXIX.

SENATE JOINT RESOLUTION Directory to the Comptroller.

WHEREAS, It was enacted by the General Assembly of the State of Tennessee, by section 57, of An Act entitled "An Act to incorporate the Tennessee Pacific Railroad Company, and for other purposes," passed May 24, 1866, that the Governor be and he is hereby authorized to execute a bond for the purchase of railroad material purchased for the use and benefit of the Memphis, Clarksville and Louisville Railroad, and the Edgefield and Kentucky Railroad, from the United States Military Railroad Department, at Washington, of the United States, amounting to the sum of five hundred and eleven thousand five hundred and sixty dollars and sixty-two cents; and,

WHEREAS, Said indebtedness has never as yet been paid or liquidated; and the United States of America are justly indebted to the State of Tennessee, to an amount more than sufficient to liquidate said indebtedness for railroad iron taken by the United States military authorities from the road bed of the Winchester and Alabama Railroad Company, whilst the same was in the possession of the State of Tennessee, under its Receiver, and by virtue of its statutory lien on said road for the payment of the debt due by said road to the State; and which claim is now transferred to the State of Tennessee, and is on file in the Department at Washington; Therefore,

*Be it resolved*, That the Comptroller of the Treasury shall not, in any way, credit or settle the amount so assessed by the State of Tennessee, to the United States of America, unless the United States of America, through its accounting officers, shall recognize the claim now on file in the Department at Washington, in favor of the State of Tennessee, for the iron so taken and appropriated; and the Comptroller of the Treasury is hereby authorized to settle with the United States Government, at any time when said claim for iron so taken is allowed by the Government of the United States.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted March 3, 1870.

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## NUMBER XC.

### JOINT RESOLUTION in Reference to Certain Committees.

*Resolved by the General Assembly of the State of Tennessee*, That the Joint Committee appointed by the two Houses to investigate the condition of the various Turnpike Roads in the State, be, and the same are hereby discharged.

*Resolved, further*, That the committee appointed to investigate the condition of the various railroad compa-

nies in this State, shall also investigate the Turnpike Companies, and for this purpose shall have all the powers that said committee is now clothed with for the investigation of the condition of the various railroad companies.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted March 2, 1870.

## NUMBER XCI.

JOINT RESOLUTION to Employ Counsel, etc., for the Recovery of Rolling Stock.

*Resolved by the General Assembly of the State of Tennessee,* That, in all cases of a refusal by Railroad Receivers, or persons claiming by, through or under them, to deliver up and turn over the railroads, rolling stock and property in their possession, and to account fully for receipts, the President of the company, in the name of the company, may institute or prosecute judicial proceedings for the recovery of such road, rolling stock and property so unlawfully held, and for a settlement of accounts; the money recovered to be applied to the extinguishment of the State lien on such road; *Provided,* the State of Tennessee shall not be responsible in any way for the costs or expenses of such litigation.

W. O'N PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Adopted March 3, 1870.

## NUMBER XCII.

SENATE JOINT RESOLUTION Authorizing the State Treasurer to Borrow Money.

*Be it resolved by the General Assembly of the State of Tennessee, That the Treasurer of the State be, and he is hereby authorized to borrow, upon the best terms he can, fifteen thousand dollars for immediate use, and repay the same out of the first moneys that may come into the State Treasury.*

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Adopted March 3, 1870.

## NUMBER XCIII.

HOUSE JOINT RESOLUTION Directory to the Joint Special Committee on Defaulting Railroads, and for other purposes.

*Resolved by the General Assembly of the State of Tennessee, That the Special Committee to investigate railroads, created by this General Assembly, be authorized to extend their investigations to all defaulting and unfinished railroads in this State; and that the Doorkeeper of the House of Representatives be directed to act as Sergeant-at-Arms for said committee, and shall apply to all the committees appointed by this House, to remain and prosecute their investigations during the recess of this Assembly.*

W. O'N. PERKINS,  
*Speaker of the House of Representatives*  
D. B. THOMAS,  
*Speaker of the Senate*

Adopted March 3, 1870.

[The following PUBLIC LAW having been inadvertently omitted in its proper place in the book, is inserted here.—SEC'Y OF STATE.]

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## CHAPTER CXXV.

AN ACT to Repeal An Act Extending the Elective Franchise.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed March 8, 1867, entitled "An Act extending the Elective Franchise to Certain Aliens," be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Passed January 28, 1870.



STATE OF TENNESSEE,  
OFFICE OF THE SECRETARY OF STATE,  
*Nashville, May 7, 1870.* }

I, ANDREW J. FLETCHER, Secretary of State of the State of Tennessee, do hereby certify that I have carefully collated the foregoing Acts and Resolutions, with original copies on file in my office, and find them correctly printed.

ANDREW J. FLETCHER,  
*Secretary of State.*



# INDEX TO PRIVATE LAWS.

	Chapt.	Sec.	Page.
<b>A</b>			
Academy of Immaculate Conception, of Jackson, Tennessee, incor.	7	14	176
" Union, Act appointing a new Board of Trustees, for.....	35	1	275
" Flint Spring Male and Female, incorporated,.....	57	34	375
" Cane Creek, incorporated.....	59	78	409
" Dresden Male, Trustees of, may sell property.....	64	27	442
" " Female, " " " .....	64	28	443
" Gardner, incorporated, .....	64	63	451
" Oak Grove, Trustees of, authorized to convey property...	67	102	488
" Ashland, " " " sell " etc	67	116	491
" Martin Male, Trustees appointed, power to sell " ...	67	117	492
" Centerville Female, incorporated,.....	90	1	578
" Coahulla, incorporated,.....	121	3	642
<b>Appeals from decision of Mayor's Courts, of the town of Hum-</b>			
<b>boldt, allowed.....</b>	9	4	180
<b>Alpha Masonic Lodge, of F. &amp; A. M., charter of, amended.....</b>	17	3	195
<b>Agricultural, Mechanical and Horticultural Association, of Hay-</b>			
<b>wood County, incorporated.....</b>	22	1	211
" Association of Henry County, incorporated.....	22	7	213
" and Mechanical Association, Hickman County, incorp'd	47	26	308
" Society, of East Tennessee, incorporated,.....	52	32	337
" and Mechanical Society, Memphis, incorporated.....	52	35	338
" and Mechanical Association, Carter Co., " .....	52	68	345
" " Society McNairy Co., " .....	57	21	373
" " and Horticultural Soc, Ten. & Ky., inc'd	57	27	374
" " and Blooded Stock Association, Gibson			
County, incorporated.....	57	33	375
" Society, State Line, incorporated.....	57	85	384
" " Washington County, incorporated.....	57	85	384
<b>Association, People's Aid, charter of, amended.....</b>	19	11	200
" of Tennessee, Mutual Relief, incorporated.....	31	6	271
" Courtland Club Library and Literary, incorporated...	47	39	311
" Masonic Mutual Relief, charter of, amended.....	31	14	273
<b>Ashland, town of, name of, changed to Grand Junction.....</b>	45	3	300
<b>Alisonia Manufacturing company, incorporated.....</b>	47	86	321
<b>Alpha Gamma Fraternity, incorporated.....</b>	52	36	338
<b>Alabama &amp; Chattanooga Railroad company, incorporated,.....</b>	53	1	355
" " " " may consolidate.....	53	5	357
<b>Adamsville, town of, further privileges granted the.....</b>	59	24	396
" " incorporated.....	59	38	399
<b>Act of May 24, 1866, amended.....</b>	59	99	413

	Chap.	Ser.	Page
Athens, Bank of, incorporated.....	62	5	424
Adams Station, town of, incorporated.....	64	69	452
American Passenger Insurance company, incorporated.....	67	60	478
Atlantic & Pacific Transportation Line, incorporated.....	67	76	481
Andrew College, Act repealing 1st section of An Act to re-enact charter of.....	68	1	493
Atlantic, Gulf and Mississippi Steamship company, incorporated..	69	29	499
Athens, town of, incorporated.....	69	39	500
Athens Female Institute, incorporated.....	108	1	598
Alexandria, town of, re-incorporated.....	111	27	612

## B

Boulevard Turnpike, Act incorporating, repealed.....	11	1	183
"    "    sections 26 and 28, of chapter 58, revived...	11	2	183
Bolivar, town of, charter of, amended.....	16	4	192
Beech Grove Male and Female College, incorporated.....	19	1	98
Bales, Carter M., Act for the relief of.....	28	1	260
Bank of Wilson, incorporated.....	29	14	264
"    Union City, charter of, amended.....	59	26	397
"    Bristol, incorporated.....	59	28	397
"    Clarksville, Northern, Act to re-charter.....	62	1	423
"    Athens, incorporated.....	62	5	424
"    Discount and Deposit, at Bristol, charter of, amended.....	62	6	424
"    Benton, incorporated.....	62	7	424
"    Dresden, incorporated.....	62	8	424
"    Jasper, incorporated.....	62	9	425
"    Tennessee, Planters and Union, incorporated.....	62	10	425
"    Exchange, incorporated.....	62	11	425
"    Knoxville, Commercial, incorporated.....	62	12	425
"    Lookout, incorporated.....	62	13	425
"    the South, ".....	62	14	426
"    the Republic, ".....	62	15	426
"    Jackson, ".....	62	23	427
"    Tennessee, Cotton Planters and Factors, incorporated.....	62	28	429
"    Columbia, Mechanics & Merchants, incorporated.....	62	33	430
"    Sevierville, charter of, amended.....	72	20	519
"    Memphis, Union & Planters, charter amended.....	93	1	581
"    Knoxville, Commercial, incorporated.....	96	1	585
"    "    City, incorporated.....	96	2	585
"    Cumberland, incorporated.....	96	4	585
"    Springfield, ".....	96	5	585
"    Covington, Act incorporating.....	115	1	619
"    Chattanooga, Commercial, incorporated.....	115	8	620
"    Gallatin, incorporated.....	115	17	623
"    National Dime Savings, incorporated.....	115	23	624
"    Cumberland, ".....	115	28	625
"    Murfreesboro Savings, Act relating to,.....	115	29	625
"    Tennessee, Farmers, incorporated.....	115	31	625
"    Memphis, Mechanics, ".....	123	1	649
"    Commonwealth, ".....	123	3	649
"    Chattanooga, Iron, ".....	123	4	650
Bluff City Insurance company, of Memphis, charter of, to continue in force.....	37	4	278
Benevolent Society of Jackson, colored, incorporated.....	37	6	278
"    "    No. 1, of Brownsville, incorporated.....	47	19	307
"    "    The Sons of Union, ".....	57	50	379
"    "    Nashville Hebrew, Ladies, ".....	67	52	476
Bonds, Cincinnati Southern Railway, may issue.....	43	7	294

	Chap.	Sec.	Page.
<b>Bonds, City of Nashville, authorized to issue.....</b>	47	23	308
-- Lincoln county authorized to issue, etc.....	54	2	358
-- County of Haywood may issue, to railroads.....	55	8	361
-- Brownsville & Ohio Railroad may issue mortgage.....	55	11	362
-- Dyer county may issue, in aid of railroads.....	55	11	362
-- City of Chattanooga may issue, etc.....	59	96	413
-- Raleigh Springs Hotel company, may issue.....	64	61	450
<b>Baptist Education Society, incorporated.....</b>	47	1	302
-- Church, Dandridge, ".....	47	91	323
-- First, Church, Tullahoma, incorporated.....	47	47	313
<b>Building Association, Jackson, ".....</b>	47	54	314
<b>Bear Creek Turnpike company ".....</b>	52	98	354
<b>Brownsville, town of, authorized to issue bonds in aid of railroads..</b>	55	2	360
<b>Brownsville &amp; Ohio Railroad, incorporated.....</b>	55	1	360
<b>Bridge company, Knoxville, charter of, amended.....</b>	56	1	365
<b>Brownsville &amp; Holly Springs Railroad company, incorporated.....</b>	57	14	371
<b>Brinkley Male and Female college, incorporated.....</b>	57	44	378
<b>Bristol, Bank of, ".....</b>	59	28	397
-- Bank of, charter of, amended.....	62	6	424
<b>Bethel Springs, town of, powers granted to.....</b>	59	52	408
<b>Bakersville, town of, incorporated.....</b>	59	79	409
<b>Benton, Bank of, ".....</b>	62	7	424
<b>Brownsville, city of, incorporated.....</b>	64	84	455
<b>Belville Manufacturing company, incorporated.....</b>	67	19	469
<b>Bnai Brith Mutual Endowment Association, of Memphis, incor'd</b>	67	48	475
<b>Blood Horse Association, Nashville, incor'ated.....</b>	76	8	529
<b>Blood Horse Association, Jackson, incorporated.....</b>	76	9	529
<b>Blue Grass Railroad, incorporated.....</b>	79	1	536
<b>Brazil, town of, Gibson county.....</b>	84	82	564
<b>Buritt college, stockholders of, to hold an election.....</b>	85	1	570
<b>Bridge company, Chattanooga, Act incorporating, amended.....</b>	101	1	589
-- " Knoxville, ".....	113	1	616
<b>Building Association, Mechanics &amp; Laborers' co-operative, additional corporators appointed, etc.....</b>	121	6	642
<b>C</b>			
<b>Chattanooga, Young Men's Society of, incorporated.....</b>	1	1	161
-- city of, incorporated.....	4	1	164
-- Wood and Willow-ware manufacturing company, incorporated.....	30	9	267
-- corporation of, to have power to borrow money on its bonds.....	4	15	170
-- Furniture company, incorporated.....	39	4	285
-- Young Debating Society of.....	52	48	341
-- & Rossville Turnpike company, incorporated.....	57	70	382
-- City of, may issue bonds.....	59	96	413
-- Real Estate company incorporated.....	64	16	440
-- Valley Turnpike company ".....	67	8	467
-- Real Estate and Building and Loan Association incorporated.....	67	103	488
-- Ferry company incorporated.....	69	28	498
-- Montgomery Pensacola Railroad, incorporated.....	71	23	515
-- Bridge Company, Act incorporating, amended,....	101	1	589
-- Commercial Bank of, incorporated.....	115	8	620
-- & Maryland Railroad Company, incorporated.....	115	9	620
-- Iron Bank of, incorporated.....	123	4	650
<b>Corporation of the town of Shelbyville amended.....</b>	2	1	162
-- Milen, charter of, amended.....	9	1	180

	Chap.	Sec.	Page
City Deposit Bank, of Nashville, name of, changed to Citizen's Deposit Bank, of Nashville.....	6	2	172
College, Masonic Normal, at Fall Branch, incorporated.....	7	22	177
" LaGrange Female, certain sections of charter repealed..	16	3	192
" Beech Grove Male and Female, incorporated.....	19	1	198
" Brinkley Male and Female, .....	57	44	373
" Sequatchie, .....	63	10	434
" .....	67	72	480
" Wesleyan Female, .....	64	51	443
" Piedmont, .....	64	77	454
Cross Plains, town of, allowed one additional Justice of the Peace..	9	6	180
Columbia Central Turnpike, State relinquishes certain claim to....	15	7	191
City of Knoxville, charter of, modified.....	16	1	191
City of Memphis, Act reducing the several Acts amendatory to charter, into one Act.....	26	1	225
Citizens of Morgan county authorized to vote upon removal of Court-house.....	20	1	204
County site of McNairy county, Act authorising removal.....	20	7	204
Charity, Sons and Daughters of, incorporated.....	23	8	215
Cotton and Woolen Manufacturing company, Mountain City, in- corporated.....	23	13	216
Charter of the City of Memphis, amended.....	26	1	225
City, Johnson's, incorporated.....	26	112	254
Carter county Turnpike road, incorporated.....	27	9	258
Carter M. Bales, Act for the relief of.....	28	1	260
Colored Benevolent Society of Jackson, incorporated.....	37	6	278
Cumberland and Ohio Railroad company, powers granted to.....	37	26	280
Cotton Factory, Shelby, incorporated.....	40	1	286
" " Tennessee River.....	40	4	287
Crispin Leather and Shoe Manufacturing company, incorporated...	41	1	287
Cincinnati Southern Railway, Act to authorize the extension and construction of.....	43	1	291
" " " May issue bonds.....	43	7	294
" " " Shall not have State aid.....	43	15	297
Claiborne county, citizens of, Act for the relief of the.....	45	1	300
Citizens of Claiborne county " " " .....	45	1	300
City of Nashville authorized to issue bonds.....	47	23	308
Courtland Club, Library and Literary Association, of Memphis, in- corporated.....	47	39	311
Church, First Paptist, of Tullahoma, incorporated.....	47	47	313
" Dandridge Baptist, .....	47	91	323
" South, Tennessee Annual Conference of the Methodist Episcopal, incorporated.....	56	4	365
" Madison Presbytery of the Cumberland Presbyterians...	57	45	378
" Home, incorporated.....	67	115	491
" Cumberland Presbyterian, of Memphis, incorporated....	69	54	505
Culleoka, town of, incorporated.....	47	63	316
Carter county Agricultural and Mechanical Association incorpor'd	52	68	345
County of Lincoln, authorized to construct and purchase Turnp'ks	54	1	358
" " May issue county bonds, etc.....	54	2	358
" " Citizens of the, authorized to build Turnpikes...	54	3	358
City of Nashville, may issue bonds to liquidate indebtedness.....	55	21	364
Covington, town of, charter of, amended.....	57	1	368
" " entitled to one additional Justice of the Peace...	57	83	384
Colliersville, town of, incorporated.....	57	37	376
Como, town of, in Henry county, incorporated.....	57	84	384
Cumberland City & Kentucky Railroad, incorporated.....	58	13	388
Confederate Relief and Historical Association of Memphis.....	59	11	398
Circuit Court, McNairy, jurisdiction granted to.....	59	47	401

	Chap.	Sec.	Page.
Cleburne, town of, incorporated.....	59	54	403
Cane Creek Academy .....	59	77	409
Continental Transportation company, incorporated.....	59	111	416
Cotton Press and Storage company, Merchants, incorporated.....	60	1	420
Cheatham, Ed. S., Act for the relief of.....	61	1	422
Connell, William, .....	61	1	422
Clarksville, Northern Bank of, An Act to re-charter the.....	62	1	423
Commercial Bank of Knoxville, incorporated.....	62	12	425
Cotton Planters and Factors Bank, of Tennessee, incorporated.....	62	28	429
Columbia, Mechanics and Merchants Bank of, .....	62	33	430
Cedar Hill, town of, .....	64	71	452
City of Brownsville, .....	64	84	455
Columbia and Shelbyville Turnpike, further time granted to complete.....	67	12	468
Corinth & Tennessee River Railroad company, granted further time to complete .....	67	13	468
Culleoka Institute, incorporated.....	67	14	468
County Court of Wilson county, may subscribe stock in Turnpike company.....	67	92	485
Cleveland Public Schools, incorporated.....	67	94	485
Cheek Oil company, .....	67	110	490
Columbia, Pulaski & Elkton Turnpike company, place of toll gate on, changed.....	69	4	494
Calvin Rushing, Act granting power to, to build turnpike, amen'd .....	69	6	494
Clarksville & New Providence Transfer company, incorporated....	69	10	495
Clarksville Mechanic & Building Association, Act relating to.....	69	60	506
County Records, preservation of.....	70	2	507
Cleveland & Tennessee River Railroad, incorporated .....	71	17	514
College, Montana.....	75	1	522
Clifton, town of, limits of, extended.....	76	2	527
Chickasaw Jockey Club, Memphis, incorporated.....	76	4	528
Chickasaw Boat Club of Memphis, incorporated.....	94	1	582
Chappell, D. T., Act for the relief of.....	83	1	551
Carolina Life Insurance Company, Memphis, charter amended....	84	1	552
College, Buritt, Trustees of, to hold an election, etc.....	85	1	571
Centreville Female Academy, incorporated.....	90	1	578
County, Greene, authorized to issue bonds in aid of Turnpike Co..	91	1	579
Cemetery, Rose Hill, incorporated.....	93	2	582
City Bank of Knoxville, incorporated.....	96	2	585
Cumberland, Bank of, incorporated.....	96	4	585
Covington Female Seminary, Act incorporating, amended .....	100	1	588
Clarksville Manufacturing Co., incorporated.....	103	1	591
Cumberland & Ohio Railroad Co., Act relating to.....	105	7	594
Citizens Passenger Railway co., incorporated.....	106	1	594
Cookville Steam Saw & Grist Mill Co., incorporated.....	109	1	600
Covington, Bank of, incorporated.....	115	1	619
Columbia, Act incorporating city of, amended.....	115	12	622
Cumberland, Bank of, incorporated.....	115	28	625
City of Memphis, charter of, amended.....	117	1	631
Cross Plains, town of, to have additional Justice of the Peace....	118	4	636
Cocahula Academy, incorporated.....	121	3	642
Church, Mt. Zion, colored Baptist, incorporated.....	121	8	643
Clarksville, city of, Act relating to.....	121	10	643
Calliopean Society, incorporated.....	121	13	643
Cincinnati Cumberland Gap & Charleston Railroad, Act relating to	125	1	652

## D

Debating Society, Pandora, incorporated.....	47	9	304
Dandridge Baptist Church, incorporated.....	47	91	323





	Chap.	Sec.	Page.
Franchise, Act granting elective, to certain aliens, repealed.....	125	1	724
Friendship, town of, corporate limits of the, extended.....	59	25	397
Franklin Real Estate company, incorporated.....	64	15	440
"    "    "    Association    "    .....	64	19	440
Female College of Brownsville, Wesleyan, incorporated.....	64	51	448
Fayetteville, Steam Wood Works company of, incorporated.....	66	1	463
Foster, William, Act authorizing, to build turnpike.....	67	1	465
Ferry company, Edgfield, etc., incorporated.....	69	22	497
"    "    Chattanooga,    "    .....	69	28	498
First Cumberland Presbyterian Church, Memphis, incorporated...	69	54	505
Fayetteville & Wells Hill Turnpike company, Act relating to.....	76	3	528
Fire Company No. 2, of Knoxville, incorporated.....	99	1	588
Female Seminary, Covington, Act incorporating, amended.....	100	1	588
Franklin Society of Elizabethton, incorporated.....	115	15	622
Farmers' Bank of Tennessee, incorporated.....	115	31	625
Fireman's Insurance company of Memphis, incorporated.....	122	1	646

## G

Galloway, town of, incorporated.....	7	1	173
Gallatin, charter of, amended.....	10	1	182
Gas-light company, Memphis, allowed to increase stock.....	23	7	215
Grand Lodge, of the Independent Order of Odd Fellows, incorp'd	27	4	256
Grader Cotton Gin & Manufacturing company, incorporated.....	29	10	263
Gainsboro', town of, charter of, amended.....	31	1	270
Grand Junction, corporation laws of, amended.....	33	1	276
"    "    name of town of Ashland, changed to.....	45	3	300
Griffith, J. O., Act to compensate.....	50	1	329
Gibson county Agricultural, Mechanical and Blooded Stock Associ- ation, incorporated.....	57	33	375
Gallatin & Ridge Turnp'k comp'y, authorized to erect toll-gate, etc	59	33	398
Gardner, town of, incorporated.....	59	80	409
Gaines Institute,    "    .....	59	108	415
Gleason, Masonic Male and Female Institute of, incorporated.....	64	31	444
Gardner Academy, incorporated.....	64	63	451
Gladesville & Lizzard Turnpike company, incorporated.....	67	9	467
Greer, Joseph and John, Act relating to mill dam.....	84	54	570
Ghormby, J. and W. B., Tuesemer, relating to turnpike road.....	84	55	570
Greene county, authorized to issue bonds in aid of turnpike Co...	91	1	579
Greeneville & Warm Springs Turnpike company, Greene county, authorized to issue bonds in aid of Turnpike Company.....	91	1	579
Greutli Society, Memphis, incorporated.....	95	1	583
Gallatin, Bank of, incorporated.....	115	17	623
Gas-light company, Knoxville, charter of, revived.....	117	14	635

## H

Henderson Male and Female Institute, incorporated.....	12	1	184
Haywood county Agricultural, Mechanical & Horticultural Asso- ciation, incorporated.....	22	1	211
Henry county Agricultural Association, incorporated.....	22	7	213
Harper's, J. H., Male and Female Institute, exempt from taxat'n	29	1	261
Harrison, town of, charter of, amended.....	34	1	275
Hickman county Agricultural & Mechanical Association, incorp'd	47	26	309
Hezekiah Mills, Act for the relief of.....	51	1	329
Holston Manufacturing company, incorporated.....	52	84	350
Haywood, county of, may issue bonds to railroads.....	55	8	361
Hibernian Society of Nashville, incorporated.....	27	15	259
Home, Masonic Orphan's, charter of, amended.....	12	6	185
Home for Inebriates, Tennessee, incorporated.....	47	43	311
Huntingdon Branch, N. & N. W. Railroad comp'y may sell the...	58	7	387



	Chap.	Sec.	Page.
Immigration & Real Estate Agency, Milan, incorporated.....	67	6	466
Ice Manufacturing company, Memphis, .. .. .	87	1	575

## J

Justice of the Peace, additional, for Milan, allowed.....	9	3	180
" " " McMinnville, allowed.....	7	13	176
" " " Cross Plains .. .. .	9	6	180
Jackson Hotel Company, incorporated.....	19	8	200
" College, Act authorizing sale of real estate belonging to.	25	1	224
" Colored Benevolent Society of, incorporated.....	37	6	278
" Building Association, .. .. .	47	54	314
" Library, .. .. .	47	59	315
" & Fulton Railroad company .. .. .	58	9	387
" Real Estate Co., .. .. .	59	67	407
" Bank of, .. .. .	62	23	427
" Blood Horse Association, .. .. .	76	9	529
" County Court, Records of.....	70	1	507
Johnson's Depot, incorporated under name of "Johnson City".....	26	112	254
Jonesboro, Fall Branch & Blair's Gap Turnpike Co., incorporated.	27	18	260
Jonesboro, Fall Branch & Blair's Gap Turnp'k Co., incorporated.	64	73	453
" " " " " charter of am'd..	45	4	300
J. O. Griffith, Act to compensate.....	50	1	329
Justice of the Peace, town of Covington, to have additional.....	57	83	384
Jasper, Bank of, incorporated.....	62	9	425
" Town of, .. .. .	64	36	444
Jailor of Marion Co. to receive persons committed to his charge, etc.	64	43	446
John C. Vaughn and others, time to build Turnp'k Co., extended.	69	1	493

## K

Knoxville, City of, charter of, modified.....	16	1	191
" Wood & Willow Ware Manufacturing company incorporated.....	30	8	267
" North, Market House company, incorporated.....	87	1	277
" Furniture Manufacturing .. .. .	39	5	285
" Saddle & Harness .. .. .	41	5	289
" Provident Building Association of, .. .. .	52	29	336
" Bridge company, charter of, amended.....	56	1	365
" Fire Police, incorporated.....	59	18	395
" Real Estate Association, incorporated.....	59	72	408
" " company, .. .. .	64	11	439
" Water company .. .. .	63	1	433
" Niagara Fire company No. 3, .. .. .	76	1	527
" Stock Association, .. .. .	76	10	529
" Commercial Bank of, .. .. .	96	1	585
" City Bank of, incorporated.....	96	2	585
" Fire company No. 2, of, incorporated.....	99	1	588
" Eastern Division Fair, incorporated.....	107	1	597
" Bridge company, Act incorporating, amended.....	113	1	615
" Gas Light company, charter of, revived.....	117	14	635
" Mutual Life Insurance company, incorporated.....	120	18	640

## L

La Grange Female College, certain sections of charter, repealed...	16	3	192
Ladies' Benevolent Society No. 1, of Nashville, incorporated.....	23	35	222
La Guardo & Bull's Branch Turnpike company, charter of, amended.....	47	82	320
Land company, Tennessee Mining and, incorporated.....	52	90	352

	Chap.	Sec.	Page.
Leather Manufacturing company, Lookout Shoe and, incorporated	41	4	288
Leather, Crispin and Shoe Manufacturing company, incorporated.	41	1	287
Lease of N. & N. W. R. R. to N. & C. R. R. Co., Act ratifying the	21	1	206
Lewisburg & Culleoka Branch R. R. company, charter amended...	13	1	187
.. Town of, incorporated.....	26	79	245
.. .. corporate limits of, extended.....	30	10	267
Lookout Shoe & Leather Manufacturing company, incorporated...	41	4	288
Lick Creek, Fall Branch & Horse Creek R. R. company, power granted to.....	47	10	304
Library Association, Jackson, incorporated.....	47	59	315
Loudon, Town of, further privileges granted the.....	59	23	396
Lawrenceburg & Pulaaki Turnpike company, incorporated.....	59	27	397
Liberty & Woodbury Turnpike company, incorporated.....	59	66	406
Life Association, Mutual Benefit, of Nashville, incorporated.....	59	73	408
Lookout, Bank of, incorporated.....	62	13	425
Lebanon & Gallatin Railway company, Act incorporating, amended	63	14	435
.. .. Statesville Turnpike company, incorporated.....	67	87	484
.. Town of, may subscribe stock in Turnpike company.....	67	93	485
Ladies' Good Samaritan Society, Nashville, incorporated.....	69	35	499
Lotspeich, Valentine S., granted power to erect dam.....	69	57	505
Lyceum, Franklin, incorporated.....	19	23	203
Lynnville Station, incorporated.....	26	91	250
Lynchburg Male & Female Institute, incorporated.....	47	72	319
Louisville & Chattanooga Grand Trunk Railroad, incorporated....	71	1	508
Lea, Bartholot, Act for the relief of.....	81	1	551
Lynnville & Cornersville Turnpike company, incorporated.....	84	51	568
Leather company, Memphis, incorporated.....	121	15	644
.. Association, Tennessee River, incorporated.....	121	19	644

## M

Murfreesboro, Wards, in the town of, re-established.....	5	1	171
Manufacturing company, Memphis Furniture, incorporated.....	39	1	284
Manhattan Savings Bank of Memphis, name of, changed.....	6	1	172
Master's Lodge, No. 244, F. & A. M., incorporated.....	17	1	194
McMinnville, boundary of, enlarged.....	7	12	175
.. Town of, allowed an additional Justice of the Peace..	7	13	176
Manufacturing company, Grader, Cotton Gin and, incorporated.....	29	10	263
Masonic Normal College, at Fall Branch, incorporated.....	7	22	177
Manufacturing company, Humbolt, incorporated.....	23	31	221
Manufacturing company, Union City, incorporated.....	8	1	178
.. .. Savannah, incorporated.....	18	1	195
Milan, charter of, amended.....	9	1	180
.. corporation of, allowed an additional Justice of the Peace..	9	3	180
Market House company, North Knoxville, incorporated.....	37	1	277
Model Eclectic Institute, or Tabernacle, incorporated.....	12	5	185
Masonic Orphans Home, charter of, amended.....	12	6	185
.. Mutual Relief Association, amended.....	31	14	273
Mississippi Valley Immigration company, incorporated.....	14	1	188
Masonic Lodge, Alpha, of F. & A. M., charter of, amended.....	17	3	195
.. .. No. 204, of Loudon, entitled to certain rights, etc.	17	4	195
Mulberry Gap & Rogersville Turnpike company, incorporated....	18	11	197
.. .. state stocks transferred to.....	18	12	198
Morgan county, citizens of, authorized to vote upon removal of court-house.....	20	1	204
McNairy county, Act authorizing removal of county site.....	20	7	204
Memphis Gas Light company authorized to increase stock.....	23	7	215
.. city of, charter of, amended.....	26	1	225

	Chap.	Sec.	Page.
Memphis Wood & Willow Ware Manufacturing company, incorporated.....	30	1	265
.. Fire & Relief Association, incorporated.....	32	1	273
.. City Schools, charter of, amended.....	33	1	274
.. Bluff city Insurance company of, charter of, to be in force.....	37	4	278
.. Furniture Manufacturin: company, incorporated.....	39	1	284
.. Panola Oil and Fertilizer company of, incorporated.....	42	1	289
.. and Tennessee Navigation company, .. .. .	44	1	298
.. City Fire and General Insurance company .. .. .	47	11	304
.. Agricultural and Mechanical Society, incorporated.....	52	35	338
.. Printing and Publishing company, .. .. .	59	34	339
.. Safe Deposit company of, .. .. .	59	119	418
.. Real Estate Association, .. .. .	64	1	437
.. Bnai Brith Mutual Endowment Association of, incorporated.....	67	46	475
.. Septenial Inst. of the order of the Sun, incorporated.....	67	49	475
.. Chickasaw Jocky Club, incorporated.....	78	4	528
.. Water company, .. .. .	77	1	530
.. Carolina Insurance company, charter amended.....	84	1	552
.. and Vicksburg Packet company incorporated.....	86	1	571
.. and Ice Manufacturing .. .. .	87	1	575
.. Empire .. .. .	89	1	577
.. Union and Planters Bank of, charter of, amended.....	93	1	581
.. Chickasaw Boat Club of, incorporated.....	94	1	582
.. Greutli Society .. .. .	95	1	583
.. De Societa De Unione e Fratellenza Italiana, incorporated.....	97	1	586
.. Masonic Temple of, charter revived and amended.....	98	1	587
.. Southern life Insurance company of, charter of, amended.....	104	1	592
.. Citizen's Passenger Railway company, incorporated.....	106	1	594
.. and New Orleans Packet company .. .. .	114	1	616
.. & Mississippi Railroad company, .. .. .	115	37	626
.. Marine and Industrial Exhibition and Fair corporation, incorporated.....	116	1	630
.. City of, Act to amend charter of.....	117	1	631
.. Leather company, incorporated.....	121	15	644
.. Mechanics Bank of, .. .. .	123	1	649
.. Fireman's Insurance company of, incorporated.....	122	1	646
.. Appeal Publishing company, .. .. .	124	1	650
Mountain City Cotton and Wollen Manufacturing company incorporated.....	23	13	216
Mountain District, Register of, to keep office at Sparta.....	24	1	224
Mississippi River, navigation of, General Council of Memphis to have power to improve, etc.....	26	41	234
Mutual Relief Association of Tennessee, incorporated.....	31	6	271
Manufacturing company, Knoxville Furniture, incorporated.....	39	5	285
.. .. Crispin, Leather and Shoe, incorporated.....	41	1	287
.. .. Lookout Shoe and Leather, incorporated.....	41	4	288
Mulberry Educational Association, incorporated.....	47	27	309
.. Male and Female Institute, .. .. .	47	36	310
Male and Female Institute, Lynchburg .. .. .	47	72	319
Manufacturing company, Alisonia, incorporated.....	47	86	321
Mediterranean, Oriental and Navigation company, incorporated...	48	1	324
Mississippi River Railroad company, Act to regulate mode of paying subscriptions to.....	49	1	327
Mississippi River Railroad company, charter of, amended.....	49	5	328
Mills, Hezekiah, Act for the relief of.....	51	1	329
Maxwell Insurance company, incorporated.....	52	1	330

	Chap.	Sec.	Page.
Manufacturing Mills, Somerville, incorporated.....	52	50	341
" Company, White Bluff, incorporated.....	52	60	343
" " Somerville General, incorporated.....	52	72	346
" " Holston, incorporated.....	52	84	350
" " Sullivan county, " .....	64	17	440
" " Belville, " .....	67	19	469
" " Shelbyville, " .....	84	33	564
" " Clarksville, " .....	103	1	591
" " Union City, Act incorporating, amended,	110	1	601
" " Sycamore, Act relating to.....	117	15	635
" " Robertson, " .....	117	16	635
" " Winters Gap Mining and, incorporated..	121	1	641
" " Tennessee Reed and Fiber, incorporated.	122	5	646
McMinnville & Smithville Turnpike company, incorporated.....	52	63	344
Mining and Land company, Tennessee, incorporated.....	52	90	352
Methodist Episcopal Church South, Tennessee Annual Conference of the, incorporated.....	56	4	365
Maxwell Insurance company, incorporated.....	56	10	366
Mosheim Male and Female Institute, incorporated.....	56	11	366
Moscow, Town of, authorized to subscribe stock in certain railroads	57	18	372
McNairy county, Agricultural and Mechanical Society, incor- porated.....	57	21	373
Marcella Falls Manufacturing company, incorporated.....	57	23	373
Madison Presbytery of the C. P. Church, " .....	57	45	378
Maynardsville, Town of, " .....	59	1	390
Mississippi Valley Real Estate company, " .....	59	14	394
McNairy county, Circuit Court of, jurisdiction granted to.....	59	47	401
McKenzie, Town of, corporate limits of, extended.....	59	63	405
Mutual Benefit Life Association of Nashville, incorporated.....	59	73	408
Mechanics' Cotton Press and Storage company, " .....	59	1	420
Mulberry Gap Turnpike company, additional Commissioners ap- pointed for.....	64	14	439
Masonic Male and Female Institute of Gleason, incorporated.....	64	31	444
Marion county, Jailor of, to receive persons committed to his charge.....	64	43	446
Mineral Springs Hotel company, Raleigh, incorporated.....	64	58	449
Magivney, Eugene, Act for the relief of.....	65	1	463
Milan Immigration and Real Estate Agency, incorporated.....	67	6	466
Morristown, corporate limits of the town of, extended.....	67	54	476
Murfreesboro & Sulphur Spring Turnpike company, charter of, repealed.....	67	56	477
Mechanics and Laborer's Building Association, Act relating to.....	69	60	506
Morrow, Wm., Clerk, etc., Acts of, legalized.....	70	1	507
McCormack & Co., property right granted to.....	72	21	520
Montana College, incorporated.....	73	1	522
Maury county Agricultural and Mech'l, Horticult'l, etc., incorp'd..	75	6	524
Milan and Humboldt, to have work-houses.....	78	10	536
Mutual Aid, etc., Life Ins. Asso'n of Tenn., Memphis, incorpor'd	84	22	561
Mississippi River Railroad company, charter amended.....	84	53	569
Masonic Temple of Memphis, charter revived and amended.....	98	1	587
Murfreesboro' Ins. company, Act incorporating, amended.....	101	1	599
" & Triune Turnpike company, incorporated.....	111	28	612
" & Woodbury Turnpike company, Act relating to.....	117	17	635
" & Jefferson Turnpike company, incorporated.....	67	57	477
Mount Pleasant, town of, Act relating to.....	115	14	622
Mississippi Railroad company, Memphis and, incorporated.....	115	37	626
Moscow, town of, incorporated.....	115	41	627
Marine and Indust'l Exhibit'n and Fair Corp'n, Memphis, incorp'd	116	1	630
Mason, town of, to have additional Justice of the Peace.....	118	1	636

	Chap.	Sec.	Page.
<b>Mechanics, Laborers Corporative Building Association, additional corporators appointed for, etc.</b> .....	121	6	642
<b>Mt. Zion Colored Baptist Church of Nashville, incorporated</b> .....	121	8	643
<b>Mutual Aid Society, Huntingdon, incorporated</b> .....	121	11	643
<b>Mountain City Fire and Marine Insurance company, incorporated</b> .....	122	4	646
<b>Mechanics Bank of Memphis, incorporated</b> .....	123	1	649
<b>N</b>			
<b>Nashville, Tennessee Patent Artificial Fuel Company, of</b> .....	3	1	163
- City Deposit Bank of, name changed to "Citizens' Deposit Bank of Nashville.".....	6	2	172
- Bank of Commonwealth, incorporated.....	123	3	649
- & Franklin Turnpike Road Company, charter of, revived,.....	15	1	190
- Hibernian Society of, incorporated.....	27	15	259
- & Charlotte Turnpike Company, charter of, amended.....	15	5	190
- & North-western Railroad, act ratifying lease of, to Nashville and Chattanooga Railroad company.....	21	1	206
- Ladies' Benevolent Society No. 1, of, incorporated.....	23	35	222
- & Middle Franklin Turnpike Company, charter of, amended.....	27	14	259
- Fire Insurance Company, Equitable, incorporated.....	30	12	268
- City of, authorized to issue bonds.....	47	23	308
- East Star Lodge No. 20, F. & A. M. of, incorporated.....	47	61	315
- City of, may issue bonds to liquidate indebtedness.....	55	21	364
- & Cincinnati Railroad may be extended.....	57	54	380
- Real Estate Association, incorporated.....	64	8	438
- Ice Manufacturing Company, incorporated.....	64	20	441
- Hebrew Ladies' Benevolent Society, incorporated.....	67	52	476
- Ladies' Good Samaritan Society No. 2, incorporated.....	69	35	499
- Fair Ground Street Railroad Company, incorporated.....	72	23	520
- Blood Horse Association, incorporated.....	76	8	529
- & Cairo Packet Company, incorporated.....	86	10	573
<b>Navigation of Mississippi River, General Council of Memphis to have power to improve, etc.</b> .....	26	41	234
<b>North Knoxville Market House Company, incorporated</b> .....	37	1	277
<b>Navigation Company of Memphis, Tennessee, incorporated</b> .....	44	1	298
<b>Nolensville &amp; Wilkerson's X Roads Turnpike Company, incorporated</b> .....	52	22	334
- Turnpike Company may take stock, etc.....	52	27	336
<b>Navigation company, Forked Deer River Free, incorporated</b> .....	52	40	339
<b>North-eastern &amp; Wills Valley Railroad, name of, changed</b> .....	53	1	355
<b>Newbern, Town of, may make subscriptions to railroads</b> .....	55	7	361
<b>Nonconer Pike company, charter of, amended</b> .....	55	21	396
<b>Newport, town of, charter of, amended</b> .....	59	118	418
<b>New Middleton, town of, incorporated</b> .....	64	10	439
<b>Nolensville &amp; Wilson Pike company, incorporated</b> .....	67	20	469
<b>New Providence &amp; North Cross Creek Turnpike Company, incorporated</b> .....	67	44	474
<b>New Market, Dandridge &amp; Newport Turnpike Company, to be extended</b> .....	67	113	491
<b>National Insurance company, charter of, revived</b> .....	69	59	506
<b>Niagara Fire Company No. 3, Knoxville, incorporated</b> .....	76	1	527
<b>Navigation &amp; Immigration &amp; Manufacturing Company, incorporated</b> .....	81	1	547
<b>New York &amp; East Tennessee Iron company, right to waters of Paint Creek</b> .....	92	1	581
<b>National Dime &amp; Savings' Bank of Tennessee, incorporated</b> .....	115	23	624

## O

	Chap.	Sec.	Page.
Odd Fellows, Grand Lodge, Independent Order of, incorporated.....	27	4	256
Oil, Panola & Fertilizer company of Memphis, incorporated.....	42	1	289
Oriental Steam & Navigation company, Mediterranean, incorporated.....	49	1	324
Oriental Steam & Navigation Company, Mediterranean, State to pay for immigrants, etc.....	49	3	325
Obion county may issue bonds to railroads.....	55	19	363
Oak Grove Academy, Trustees of, may transfer property.....	67	102	488
Oil company, Cheek, incorporated.....	67	110	490
Oil Works of Shelby county, Southern, incorporated.....	105	1	592

## P

People's Aid Association, incorporated.....	19	11	200
Packet company, White, Red & Black Rivers, incorporated.....	19	12	201
Panola Oil & Fertilizer Company of Memphis, incorporated.....	42	1	289
Pandora Debating Society, incorporated.....	47	9	304
Pikeville, Dunlap & Jasper Turnpike Company, incorporated.....	52	83	350
Poplar Grove, town of, incorporated.....	57	68	382
Pike county Nonconer, charter of, amended.....	59	21	396
Printing and Publishing Company of Memphis, incorporated.....	59	34	399
Purdy, town of, powers granted to.....	59	51	403
Planters' and Union Bank, incorporated.....	62	10	425
Piedmont College, incorporated.....	64	77	454
Poplar Grove, name of, changed.....	84	32	564
Property, etc., Cincinnati Southern Railroad, may take.....	43	3	293
Public Act, private Act, declared to be a.....	26	87	250
Provident Building Association of Knoxville, incorporated.....	52	29	336
Public Schools of Cleveland incorporated.....	67	94	485
Pulaski & Pisgah Turnpike company, charter of, revived.....	69	32	499
Packet company, Memphis & Vicksburg, incorporated.....	86	1	571
" " Nashville & Cairo, ".....	86	10	573
" " Tennessee River, ".....	86	13	574
Phoenix Insurance company, further time allowed, etc.....	104	2	592
Packet company, Memphis & New Orleans, incorporated.....	115	1	616
Parlam, Mark, Act for benefit of.....	118	1	637
Publishing company, Memphis Appeal, incorporated.....	124	1	650
" " Union & American, ".....	124	6	652

## R

Recorder of Chattanooga to have concurrent jurisdiction with Justices of the Peace.....	4	11	169
Railroad company, Lewisburg & Culleoka Branch, charter of, amended.....	13	1	187
Railroads, subscriptions to, General Council of Memphis shall have power to make.....	26	61	240
" company, Cumberland & Ohio, powers granted to.....	37	26	280
" Cincinnati Southern, Act authorizing the extension and construction of.....	43	1	291
" Cincinnati Southern, may take property, etc.....	43	3	293
" Lick Creek, Fall Branch & Horse Creek, powers granted to.....	47	10	304
" Mississippi River, Act regulating mode of paying subscriptions to.....	49	1	327
" Mississippi River, charter of, amended.....	49	5	328
" North-eastern & Wills Valley, name of, changed.....	53	1	355
" Alabama & Chattanooga, incorporated.....	53	1	355





	Chap.	Sec.	Page.
Real Estate Association of Memphis, incorporated.....	64	1	437
" " " Nashville, " .....	64	8	438
" " Company of Knoxville, " .....	64	11	439
Rogersville, Town of, " .....	64	12	439
Real Estate Association of East Tennessee, incorporated.....	64	13	439
" " Company of Franklin " .....	64	15	440
" " " Chattanooga, " .....	64	16	440
" " Association, Rock City, " .....	64	18	440
" " " Franklin " .....	64	19	440
Rocky City Real Estate Association, " .....	64	18	440
Raleigh Mineral Springs' Hotel company, " .....	64	58	449
Real Estate Agency, Milan Immigration and, " .....	67	6	466
Real Estate Building & Loan Association, Chattanooga, incorporated.....	67	103	488
Red Men's Mutual Aid Society of Tennessee, incorporated.....	69	7	494
Rutherford Station, corporate limits of, extended.....	69	53	505
Rock Island attached to the county of Warren.....	69	58	506
Rogers, John B., lands of, attached to the county of Warren.....	69	58	506
Rocky River & Caney Fork Turnpike company, incorporated.....	69	62	506
Rutherford & Wilson Turnpike company, incorporated.....	84	39	566
Rose Hill Cemetery, incorporated.....	93	2	582
Riceville Scientific and Classical Institute, incorporated .....	112	1	614
Robertson Manufacturing company, Act relating to.....	117	16	635

## S

Shelbyville, to amend the corporation of the town of.....	2	1	162
Savannah Manufacturing company, incorporated.....	18	1	195
Sons and Daughters of charity, incorporated.....	23	8	215
Smyrna, Town of, incorporated.....	23	19	218
Society, Ladies Benevolent, No. 1, of Nashville, incorporated.....	23	35	222
" " Benevolent No. 1, of Brownsville, " .....	47	19	307
Subscriptions to Railroads, General Council of Memphis shall have power to make.....	26	61	240
Station, Lynnville, incorporated.....	26	91	250
Schools, Memphis City, charter of, amended .....	33	1	274
Shelby Cotton Factory, incorporated.....	40	1	286
Saddle and Harness company, Knoxville, incorporated.....	41	5	289
Southern Railway, Cincinnati, extension and construction of.....	43	1	291
" " " may issue bonds.....	43	7	294
" " " no State aid granted to.....	43	15	297
Shelbyville & Tullahoma Turnpike company, 14th section of Act incorporating, amended.....	47	10	304
Sons and Daughters of Relief No. 2, incorporated.....	47	20	307
St. Joseph's Total Abstinence Society, " .....	47	21	307
Shelby County Agricultural, Mechanical and Horticultural Society, name of, changed.....	52	35	338
Shelbyville and Flat Creek Turnpike company, charter amended.....	52	47	340
Somerville Manufacturing Mills, incorporated.....	52	50	341
" " General Manufacturing company, incorporated.....	52	72	346
Sons of Union Benevolent Society, " .....	57	50	379
Shelbyville and Fishing Ford Turnpike company, " .....	57	57	380
State Line Agricultural Society, " .....	57	85	384
Saltillo, Town of, powers granted to.....	59	53	403
Sale Creek Male & Female Institute, incorporated.....	59	88	411
Sweetwater Lodge No. 292, F. A. M., " .....	59	104	414
Safe Deposit Company of Memphis, " .....	59	119	418
South, Bank of the, " .....	62	14	426
Sequatchie College, " .....	63	10	434
" " " " .....	67	72	480
Sullivan County Manufacturing company, incorporated.....	64	17	440





	Chap.	Sec.	Page.
<b>Turkey Company Columbia, Polaski and Ekton, place of toll-gate on,</b>			
" " All laws chartering, repealed.....	69	4	494
" " Act granting Calvin Rushing, power to build, amended..	69	5	494
" " West Station and Camp Creek, incorporated.....	69	6	494
" " Pulaski and Pisgah, charter of, revived.....	69	13	494
" " Shelbyville and Fayetteville, charter of, amended.....	69	32	499
" " Act Mar. 20, '88, and Feb. 1, '90, relating to, amend'd....	69	58	540
" " Rocky River and Caney Fork, incorporated.....	69	50	504
" " Fayetteville and Wills Hill, Act relating to.....	69	62	506
" " Warm Springs Greene Co., authorized to issue bonds to...	76	3	528
" " Rutherford and Wilson County, incorporated.....	91	1	579
" " Salem and Windron, incorporated.....	84	89	566
" " Lynnville and Corneville, incorporated.....	84	40	568
" " Murfreesboro and Triune, incorporated.....	84	51	568
" " Murfreesboro and Woodbury, Act relating to.....	111	28	619
<b>Turley Female English and French Institute, incorporated.....</b>	117	17	625
<b>Tipton County, Industrial and Mechanical Association, incorporated.....</b>	28	1	214
<b>Tennessee Central Fair Association, charter of, amended.....</b>	29	2	261
<b>Trustees for Union Academy, Act appointing a new Board of.....</b>	29	8	263
<b>Tennessee State Mutual Insurance Company, charter of, amended.....</b>	35	1	275
<b>Tennessee River Cotton Factory, incorporated.....</b>	33	1	282
<b>Total Abstinence Society, St. Joseph's, incorporated.....</b>	40	4	287
<b>Tennessee Home for Inebriates, incorporated.....</b>	47	21	307
<b>Tullahoma, First Baptist Church of, incorporated.....</b>	47	43	311
<b>Tennessee Vulcan Roofing Company, incorporated.....</b>	47	47	313
<b>Tennessee Mining and Land Company, incorporated.....</b>	52	55	343
<b>Tennessee Annual Conference of the M. E. Church South, incorporated.....</b>	52	90	352
<b>Tennessee and Kentucky Agricultural Mechanical and Horticultural Society incorporated.....</b>	56	4	265
<b>Tennessee Central and Pacific R. R., Act to secure the completion of the....</b>	57	27	374
<b>Tennessee Central R. R., certain towns may subscribe stock in.....</b>	58	1	385
<b>Tennessee Car Roofing Company, incorporated.....</b>	58	15	389
<b>Transportation Company Continental, incorporated.....</b>	59	77	409
<b>Tennessee Chair and Furniture Manufacturing Co., incorporated.....</b>	59	111	416
<b>Tennessee and Pacific Railroad, charter of, amended.....</b>	63	4	432
<b>Transportation Line, Atlantic and Pacific, incorporated.....</b>	67	45	474
<b>Tennessee, Red Men's Mutual Aid Society, incorporated.....</b>	67	76	481
<b>Transfer Company, Clarkeville and New Providence, incorporated.....</b>	69	7	494
<b>Trenton, Town of, corporate limits of, extended.....</b>	69	10	495
<b>Tipton, A. J. further time allowed.....</b>	69	52	504
<b>Tennessee Western and Charleston Railroad, charter of, amended.....</b>	74	1	523
<b>Tennessee Navigation, Immigration and Manufacturing Co., incorporated....</b>	80	1	545
<b>The emcr, W. B. and G. Ghormby, power to keep Turnpike Road.....</b>	81	1	547
<b>Tennessee River Packet Company, incorporated.....</b>	84	55	570
<b>Tennessee and Kentucky Life Insurance Company, incorporated.....</b>	86	18	574
<b>Tennessee Leather Association, incorporated.....</b>	120	1	639
<b>Tennessee, Reed &amp; Fiber, Manufacturing Company, incorporated.....</b>	121	19	644
	122	5	646
<b>U</b>			
<b>Union City, Manufacturing Company, incorporated.....</b>	8	1	178
<b>Union Academy, Act appointing a new Board of Trustees for.....</b>	85	1	273
<b>Union Benevolent Society, the Sons of, incorporated.....</b>	57	50	379
<b>Union, Town of, citizens of the, incorporated.....</b>	59	15	394
<b>Union City Bank, charter of, amended.....</b>	59	26	397
<b>Union Insurance Company, incorporated.....</b>	67	80	471
<b>Union &amp; American Publishing Company, incorporated.....</b>	124	4	652
<b>Union &amp; Planters Bank Memphis, charter of, amended.....</b>	93	1	591
<b>Union City Manufacturing Company, Act Incorporating, amended.....</b>	110	1	601
<b>Union Depot, Town of, to have additional Justice of the Peace.....</b>	11	5	636
<b>United Roses of Christopher Columbus, incorporated.....</b>	121	20	645
<b>W</b>			
<b>Wards in the Town of Murfreesboro, to re-establish.....</b>	5	1	171
<b>Ward Registrars, to be appointed in the City of Memphis.....</b>	26	72	244
<b>Ward's Seminary Sections 9 and 10 of Act incorporating, repealed.....</b>	29	1	261
<b>Washington County, Agricultural Society, incorporated.....</b>	57	85	344
<b>Wesleyan Female College of Brownsville, incorporated.....</b>	64	51	448
<b>Wilson Lodge 217, Free and Accepted Masons, incorporated.....</b>	69	3	494
<b>Warm Springs T. P. Company, Greene Co., authorized to issue bonds to.....</b>	91	1	579
<b>Willson County Sargo, Syrup and Sugar Manufacturing Co., incorporated....</b>	102	1	559
<b>White, Red and Black River Packet Company, incorporated.....</b>	19	13	201
<b>White Bluff, Town of, incorporated.....</b>	26	101	252
<b>Will's Hill Turnpike Company, charter of, amended.....</b>	27	11	258
<b>Wilson, Bank of, incorporated.....</b>	29	14	264
<b>Wood &amp; Willow Ware Manufacturing Company, Memphis, incorporated.....</b>	30	1	265
" " " " Knoxville.....	30	6	267

	Chap.	Sec.	Page
Wood & Willow Ware Manufacturing Company, Chattanooga, incorporated..	30	9	25
Wilkerson's Roads, Turnpike Company, may take stock, &c.....	52	27	336
White Bluff Manufacturing Company, incorporated.....	52	60	36
Wartrace, Town of, boundary of the, extended.....	59	9	32
Ward Patent Car Roofing Company, name of, changed.....	59	77	49
Water Company Knoxville, incorporated.....	63	1	42
Waverly High School, incorporated.....	63	16	43
William Foster, Act authorizing, to build, T. P. Company.....	67	1	45
Well's Hill and Pleasant Plains T. P. Company, incorporated.....	67	84	62
Wilson County, County Court of, may subscribe stock in T. P. Company....	67	92	45
Weakley County, all laws chartering certain Turnpikes in, repealed.....	69	5	44
West Station and Camp Creek Turnpike Company, incorporated.....	69	13	43
Waynesboro, Town of, incorporated.....	78	1	53
Work-houses, Humbolt and Milan, allowed.....	78	10	53

## Y

Young Men's Society of Chattanooga, incorporated.....	1	1	161
" Debating Society of Chattanooga, incorporated.....	52	48	341
Yorkville, Town of, in Gibson County .....	37	31	22

## RESOLUTIONS.

	PAGE
Ac's, in reference to distribution of.....	670
Administration, indorsing .....	694
Archives to collate and arrange.....	674
Agricultural School Fund, in reference to.....	679
Attorney-general, instruct ing.....	680
" directory to.....	711
Baxter, John, memorial of.....	69
" Memorial, discharging committee on.....	689
Clerks of Houses, directory to.....	674
Comptroller, directory to.....	683
" " ".....	672
" of inquiry to the, in reference to railroads.....	669
" directing.....	678
" directory to.....	681
" " ".....	688
" " ".....	696
" " ".....	700
" " ".....	720
" approving course of.....	707
" directory to.....	710
Constitutional Convention, to provide suitable rooms for.....	687
" " thanking for their action.....	701
Code, construing certain sections of.....	701
Capitol Building, protection of.....	704
" grounds, convicts to work on.....	712
Committee appointed to investigate, etc.....	717
Committees, in relation to.....	721
Defaulting railroads, special committees on.....	723
Fraud, to protect the State against.....	706
Fifteenth Amendment, to reject.....	712
Federal Government, asking aid of.....	714
Fletcher, A. J., in relation to.....	718
General Assembly, recess of.....	684
Governor, informing that both Houses are organized.....	688
" Secretary of State and Comptroller, to employ counsel.....	697
" to count votes for.....	688
" directory to.....	703
" authorized to employ counsel.....	663
" directory to.....	717
Hall of House of Representatives, granting use of.....	709
Hermitage, in relation to.....	719
Investigate, committee to, \$90,000 bonds issued to railroad companies.....	666
Jackson, Andrew, in memory of.....	720
Judiciary Committee to hold joint meetings.....	666







